HAND-BOOK OF POLITICS

FOR 1874:

BEING A RECORD OF

IMPORTANT POLITICAL ACTION,

NATIONAL AND STATE,

FROM JULY 15, 1872, TO JULY 15, 1874.

BY
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CLERK OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

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PREFACE.

AN examination of this Volume will satisfy any one that the last two years have developed an unusual activity in political thought, the record of which will repay careful study. Probably the most instructive chapters are those devoted to a statement of the Amendments, proposed and made, to the Constitutions of various States, as illustrating the peculiar experiences of the life of those branches of the body politic; and to the record of facts touching CHEAP TRANSPORTATION, which has suddenly assumed the proportions of a grave political issue. The House bill expresses the one theory of relief; the Senate Report, another; and the legislation of certain States, a third. The subject will, for years, of necessity engage a large share of attention.

Hardly less absorbing is the interest attached to the CURRENCY QUESTION, which has assumed a variety of phases, and which occupied a large portion of the time of the late session of Congress. In connection with this record, it has been deemed important to re-produce the votes of 1862, 1864, 1866, and 1868, which created the "Legal Tender" note and fixed the limit of it, and which provided for contraction and then stopped it, to the end that, reviewing the whole subject, access can readily be had to the votes and views of the lawmakers of those years.

The controversy over the "SUPPLEMENTARY CIVIL RIGHTS BILL" is fully presented; and the enactment and repeal of the SALARY ACT of 1873 form a curious and instructive chapter of current history.

The remaining Chapters contain the principal Facts of the Period; and the accompanying Tables of Elections, Appropriations, Revenues and Expenditures, Currency Distribution, and Public Debt, will prove to be a mine of interesting information.

In the votes given, the Republicans are printed in Roman, the Democrats in *italic*, and the Liberal Republicans in SMALL CAPS, the classification being according to their political affiliations at the date of voting.

Much care has been taken to ensure accuracy and completeness, and it is hoped that the volume may prove useful, both to those who have present occasion to use it, and others who, in the future, may wish to trace the paths trod by those who now wield the political forces of the nation.

EDWARD McPHERSON.

WASHINGTON, D. C., *June* 30, 1874.

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Senate.

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George C. Gorham, of California, *Secretary.*

Maine—Hannibal Hamlin, Lot M. Morrill.

New Hampshire—James W. Patterson, Aaron H. Cragin.

Vermont—George F. Edmunds, Justin S. Morrill.

Massachusetts—Charles Sumner, Henry Wilson.

Rhode Island—William Sprague, Henry B. Anthony.

Connecticut—Orris S. Ferry, William A. Buckingham.

New York—Roscoe Conkling, Reuben E. Fenton.

New Jersey—John P. Stockton, Frederick T. Frelinghuysen.

Pennsylvania—Simon Cameron, John Scott.

Delaware—Thomas F. Bayard, Eli Saulsbury.

Maryland—George Vickers, William T. Hamilton.

Virginia—John F. Lewis, John W. Johnston.

North Carolina—John Pool, Matthew W. Ransom.

South Carolina—Frederick A. Sawyer, Thomas J. Robertson.

Georgia—Joshua Hill, Thomas M. Norwood.

Alabama—George E. Spencer, George Goldthwaite.

Mississippi—Adelbert Ames, James L. Alcorn.

Louisiana—(Vacancy,*) J. Rodman West.

Ohio—John Sherman, Allen G. Thurman.

Kentucky—Willis B. Machen,† John W. Stevenson.

Tennessee—William G. Brownlow, Henry Cooper.

Indiana—Oliver P. Morton, Daniel D. Pratt.

Illinois—Lyman Trumbull, John A. Logan.

Missouri—Francis P. Blair, jr., Carl Schurz.

Arkansas—Benjamin F. Rice, Powell Clayton.

Michigan—Zachariah Chandler, Thomas W. Ferry.

Florida—Thomas W. Osborn, Abijah Gilbert.

Texas—James W. Flanagan, Morgan C. Hamilton.

Iowa—James Harlan, George G. Wright.

Wisconsin—Timothy O. Howe, Matthew H. Carpenter.

California—Cornelius Cole, Eugene Casserly.

Minnesota—Alex. Ramsey, William Windom.

Oregon—Henry W. Corbett, James K. Kelly.

Kansas—Samuel C. Pomeroy, Alexander Caldwell.*

West Virginia—Arthur I. Boreman, Henry G. Davis.

Nevada—James W. Nye, William M. Stewart.

Nebraska—Thomas W. Tipton, Phineas W. Hitchcock.

* Claimed by John Ray and Wm. L. McMillan, but not awarded to either.

† Qualified December 2, 1872, to fill the vacancy caused by the death of Hon. Garrett Davis, which occurred during the recess, September 22, 1872.

House of Representatives.

JAMES G. BLAINE, of Maine, *Speaker.*

Edward McPherson, of Pennsylvania, *Clerk.*

Maine—John Lynch, William P. Frye, James G. Blaine, John A. Peters, Eugene Hale—5.

New Hampshire—Ellery A. Hibbard, Samuel N. Bell, Hosea W. Parker—3.

Vermont—Charles W. Willard, Luke P. Poland, Worthington C. Smith—3.

Massachusetts—James Buffinton, Oakes Ames, Ginery Twichell, Samuel Hooper, Benjamin F. Butler, Nathaniel P. Banks, Constantine C. Esty,† George F. Hoar, Alvah Crocker, Henry L. Dawes—10.

* Resigned March 24, 1873.

† Qualified December 2, 1872, in place of George M. Brooks, resigned.

Rhode Island—Benjamin T. Eames, James M. Pendleton—2.

Connecticut—Joseph R. Hawley,* Stephen W. Kellogg, Henry H. Starkweather, William H. Barnum—4.

New York—Dwight Townsend, Thomas Kinsella, Henry W. Slocum, Robert B. Roosevelt, William R. Roberts, Samuel S. Cox, Smith Ely, jr., James Brooks, Fernando Wood, Clarkson N. Potter, Charles St. John, John H. Ketcham, Joseph H. Tuthill, Eli Perry, Joseph M. Warren, John Rogers, William A. Wheeler, John M. Carroll, Elizur H. Prindle, Clinton L. Merriam, Ellis H. Roberts, William E. Lansing, R. Holland Duell, John E. Seeley, William H. Lamport, Milo Goodrich, Horace Boardman Smith, Freeman Clarke, Seth Wakeman, William Williams, Walter L. Sessions—31.

New Jersey—John W. Hazelton, Samuel C. Forker, John T. Bird, John Hill, George A. Halsey—5.

Pennsylvania—Samuel J. Randall, John V. Creely, Leonard Myers, William D. Kelley, Alfred C. Harmer, Ephraim L. Acker, Washington Townsend, J. Lawrence Getz, Oliver J. Dickey, John W. Killinger, John B. Storm, Lazarus D. Shoemaker, Frank C. Bunnell,† John B. Packer, Richard J. Haldeman, Benjamin F. Meyers, R. Milton Speer, Henry Sherwood, Glenni W. Scofield, Samuel Griffith, Henry D. Foster, James S. Negley, Ebenezer McJunkin, William McClelland—24.

Delaware—Benjamin T. Biggs—1.

Maryland—Samuel Hambleton, Stevenson Archer, Thomas Swann, John Ritchie, William M. Merrick—5.

Virginia—John Critcher, James H. Platt, jr., Charles H. Porter, William H. H. Stowell, Richard T. W. Duke, John T. Harris, Elliott M. Braxton, William Terry—8.

North Carolina—Clinton L. Cobb, Charles R. Thomas, Alfred M. Waddell, Sion H. Rogers, James M. Leach, Francis E. Shober, James C. Harper—7.

South Carolina—Joseph H. Rainey, Robert C. DeLarge,‡ Robert B. Elliott, Alexander S. Wallace—4.

Georgia—Archibald T. MacIntyre, Richard H. Whiteley, John S. Bigby, Erasmus W. Beck,‡ Dudley M. DuBose, William P. Price, Pierce M. B. Young—7.

Alabama—Benjamin S. Turner, Charles W. Buckley, William A. Handley, Charles Hays, Peter M. Dox, Joseph H. Sloss—6.

Mississippi—George E. Harris, Joseph L. Morphis, Henry W. Barry, George C. McKee, Legrand W. Perce—5.

Louisiana—J. Hale Sypher, Lionel A. Sheldon, Chester B. Darrall, Aleck Boarman,‖ Frank Morey—5.

Ohio—Ozro J. Dodds,* Job E. Stevenson, Lewis D. Campbell, John F. McKinney, Charles N. Lamison, John A. Smith, Samuel Shellabarger, John Beatty, Charles Foster, Erasmus D. Peck, John T. Wilson, Philadelph Van Trump, George W. Morgan, James Monroe, William P. Sprague, John A. Bingham, Jacob A. Ambler, William H. Upson, James A. Garfield—19.

Kentucky—Edward Crossland, Henry D. McHenry, Joseph H. Lewis, William B. Read, Boyd Winchester, William E. Arthur, James B. Beck, George M. Adams, John M. Rice—9.

Tennessee—Roderick R. Butler, Horace Maynard, Abraham E. Garrett, John M. Bright, Edward I. Golladay, Washington C. Whitthorne, Robert P. Caldwell, William W. Vaughan—8.

Indiana—William E. Niblack, Michael C. Kerr, William S. Holman, Jeremiah M. Wilson, John Coburn, Daniel W. Voorhees, Mahlon D. Manson, James N. Tyner, John P. C. Shanks, William Williams, Jasper Packard—11.

Illinois—Charles B. Farwell, John F. Farnsworth, Horatio C. Burchard, John B. Hawley, Bradford N. Stevens, Henry Snapp, Jesse H. Moore, James C. Robinson, Thompson W. McNeely, Edward Y. Rice, Samuel S. Marshall, John B. Hay, John M. Crebs, John L. Beveridge†—14.

Missouri—Erastus Wells, Gustavus A. Finkelnburg, James R. McCormick, Harrison E. Havens, Samuel S. Burdett, Abram Comingo, Isaac C. Parker, James G. Blair, Andrew King—9.

Arkansas—James M. Hanks, Oliver P. Snyder, Thomas Boles—3.

Michigan — Henry Waldron, William L. Stoughton, Austin Blair, Wilder D. Foster, Omar D. Conger, Jabez G. Sutherland—6.

Florida—Silas L. Niblack‡—1.

Texas—William S. Herndon, John C. Conner, DeWitt C. Giddings, John Hancock—4.

Iowa—George W. McCrary, Aylett R. Cotton, William G. Donnan, Madison M. Walden, Frank W. Palmer, Jackson Orr—6.

Wisconsin—Alexander Mitchell, Gerry W. Hazelton, J. Allen Barber, Charles A. Eldredge, Philetus Sawyer, Jeremiah M. Rusk—6.

California—Sherman O. Houghton, Aaron A. Sargent, John M. Coghlan—3.

Minnesota—Mark H. Dunnell, John T. Averill—2.

Oregon—James H. Slater—1.

Kansas—David P. Lowe—1.

West Virginia—John J. Davis, James C. McGrew, Frank Hereford—3.

Nevada—Charles W. Kendall—1.

Nebraska—John Taffe—1.

Whole number of Representatives..... 243
Number of Delegates 10

253

*Qualified December 2, 1872, in place of Julius L. Strong, deceased September 7, 1872.

†Qualified January 7, 1873, in place of Ulysses Mercur, resigned December 2, 1872.

‡Unseated January 24, 1873. The seat remained vacant.

‖Qualified December 2, 1872, to fill the vacancy caused by the death of Thomas J. Speer, deceased August 8, 1872.

‖Qualified December 3, 1872, to fill an original vacancy. [Mr. James McCleery was elected in 1870, but died before qualifying.]

*Qualified December 2, 1872, to fill the vacancy caused by the resignation of Aaron F. Perry.

†Resigned January 4, 1873.

‡Qualified January 28, 1873, in place of Josiah T. Walls, unseated.

II.

THE PASSAGE OF THE "SALARY ACT OF 1873."

FORTY-SECOND CONGRESS—THIRD SESSION.

IN HOUSE.

1872, December 2—Mr. GARFIELD, from the Committee on Appropriations, reported a bill (H. R. 2991) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1874, which was read a first and second time, ordered to be printed, referred to the Committee of the Whole House on the State of the Union, and made a special order for Thursday, December 12th, after the morning hour, and from day to day thereafter until disposed of, (Fridays and Saturdays excepted.)

December 9—Mr. BANKS introduced the following bill; which was read twice and referred to the Committee on the Judiciary:

That on and after the fourth day of March, anno Domini eighteen hundred and seventy-three, the President of the United States shall receive for his services during the term for which he shall have been elected the sum of fifty thousand dollars per annum in full for his services, to be paid quarterly at the Treasury.

1873, January 7—The Legislative appropriation bill being considered in Committee of the Whole,

Mr. COX moved to amend so as to make the salaries of the reading clerks $3,000 each. Agreed to.

Mr. MAYNARD moved an amendment so as to raise the pay of pages $3 per day while actually employed. Agreed to.

Mr. RANDALL moved to make the salaries of the chief clerk and journal clerk $3,600 each. Agreed to.

Mr. GARFIELD moved to change the appropriation of $2,640 for two policemen at the President's House to $3,168. Disagreed to.

Mr. EUGENE HALE moved to make the appropriation for assistant doorkeeper at the President's House $1,200 instead of $1,080.

January 8—Mr. EUGENE HALE asked consent to go back and amend so as to make the salaries of the assistant journal clerk and tally clerk $3,000 each. Objected to.

Mr. SARGENT moved to amend the paragraph "For compensation of the Presidents of the United States, $25,000," by striking out "$25,000" and inserting "$50,000;" also by adding to the paragraph the following proviso:

"*Provided*, That from and after the 4th of March, 1873, the salary of the President of the United States shall be $50,000 per annum, payable monthly."

Mr. HOLMAN raised the point that the proposed amendment, inasmuch as it changed an existing law, was not in order.

The Chairman (Mr. DAWES) stated the uniform practice to have been that under Rule 120, amendments increasing salaries are in order, although the Chair confessed he did not understand the reason of that practice. The Chair overruled the point of order.

Mr. HOLMAN appealed from that decision.

The House sustained the appeal—yeas 22, nays not counted.

Mr. SARGENT moved to amend the paragraph by simply striking out "$25,000" and inserting "$50,000," without the proviso.

Mr. HOLMAN raised the same point of order.

The Chairman (Mr. DAWES) again overruled it.

Mr. HOLMAN appealed from that decision.

Upon division, the decision of the Chair was not sustained—yeas 60, nays 67.

Mr. SARGENT moved to amend the paragraph relating to Department of the Interior, so as to fill the blank opposite "chief clerk" with $2,200, and to provide for one additional clerk of class 4, three additional clerks of class 3, two of class 2, five of class 1, three copyists at $900 each, two additional messengers at $720, and three additional messengers.

Mr. FARNSWORTH moved to amend Mr. SARGENT's amendment by striking out the words [relating to clerks of class 4, which occurred both in the original paragraph and in the amendment,] "any of whom may be paid $200 additional, if the Secretary of the Interior deem it necessary and proper." Disagreed to.

The amendment of Mr. SARGENT was agreed to—yeas 72, nays 52.

Mr. DICKEY, under the head of "General Land Office," moved to amend so as to increase the salary of the Commissioner of the General Land Office from "$3,000" to "$3,500."

Mr. HOLMAN raised the point of order that the amendment changes existing law, but subsequently withdrew the point.

Mr. EUGENE HALE renewed it.

The Chair overruled the point of order.

Mr. EUGENE HALE appealed from the decision.

The House sustained the decision of the Chair.

Mr. DICKEY then withdrew his amendment, stating that his only object in offering it was to secure a decision upon a question that involved no feeling.

Mr. DUNNELL moved to strike out the paragraph relating to the Bureau of Education, and to insert a substitute, so as to cut off the following appropriations: "Library, $1,000; current educational periodicals, $250; other current publications, $225; completing valuable sets of periodicals and publications in the library, $200; collecting statistics, and writing and compiling matter for annual and special reports, and editing and publishing circulars of information, $13,000; fuel and lights, $275; contingencies, $1,260—in all $34,850; and to give an additional force of one librarian at $1,800; two copyists at $900 each; one clerk of class 1; one superintendent of folding room at $1,000; one watchman at $750; one laborer at $720." Total amount stated to be $47,000.

Mr. FARNSWORTH raised the point of order that this would change existing legislation.

The Chair overruled the point.

January 10—The amendment was disagreed to—yeas, 74, nays 78.

Mr. J. T. WILSON moved, under the head of Department of Agriculture, to add, "for salary of Thomas Taylor, microscopist, under the direction of William Saunders, superintendent of gardens and grounds, $1,800."

Mr. SARGENT raised the point of order that there is no law authorizing such an appropriation; that it is the creation of a new office.

The Chairman (Mr. DAWES) overruled the point.

The amendment was then modified to "microscopist, $1,800," and agreed to—yeas 67, nays, 17.

Mr. MAYNARD moved to amend, under the head of "Department of Agriculture," by striking out "three" and inserting "five," so as to make the salary of the Commissioner of Agriculture $5,000, instead of $3,000.

The motion was not agreed to.

January 11—Mr. MAYNARD moved to amend, under the head of "office of the Solicitor of the Treasury," by striking out "$3,500" and inserting "$5,000," as the compensation of the Solicitor of the Treasury.

The amendment was not agreed to.

Mr. EUGENE HALE offered the following amendment:

That there be allowed to the officer disbursing the contingent fund and other expenses of the House of Representatives an annual sum of $576, and the compensation of the tally clerk and assistant journal clerks is fixed at $3,000 per annum, and the appropriation for the next fiscal year is hereby made.

Mr. MAYNARD stated that he must make the point of order on the amendment, unless the clerk of the House Committee of Ways and Means is also included.

Mr. EUGENE HALE declined to yield for an amendment.

Mr. MAYNARD raised the point of order that it changes existing law.

The Chairman overruled the point.

Mr. DAWES moved to amend the amendment so as to include in it the clerk to the Committee on Appropriations and the clerk to the Committee on Ways and Means at $3,000 each; which was not agreed to.

Mr. EUGENE HALE's amendment was then disagreed to—yeas 31, nays not counted.

Mr. GARFIELD asked unanimous consent "to reconsider the vote increasing the compensation of the other clerks, or rather that the committee be allowed to take the vote over again."

Mr. RANDALL objected.

January 14—Mr. GARFIELD asked unanimous consent to take the expression of the committee over again upon the amendment which had been adopted increasing the salaries of the journal clerk and two reading clerks.

Mr. HOLMAN objected that he was going back on the bill.

Mr. RANDALL made the point of order that it was not in order to go back to a matter which the committee had already decided.

Mr. GARFIELD thereupon withdrew his request.

The bill having been reported to the House,

Mr. EUGENE HALE, under instructions from the Committee on Appropriations, offered an amendment to increase the salaries of the assistant journal and tally clerks from $2,500 to $3,000 each, and to pay the Clerk of the House $576 as a disbursing officer, thus equalizing his salary with that of the Secretary of the Senate.

Mr. HOLMAN raised the point of order that this proposition had not been considered in Committee of the Whole.

The SPEAKER said that that was a question of fact.

Mr. DAWES moved to amend the amendment by adding "that the clerk of the Committee on Ways and Means and the clerk of the Committee on Appropriations shall receive an annual salary of $3,000 each."

The SPEAKER overruled the above point of order as to Mr. EUGENE HALE's amendment and also as to Mr. DAWES', "on the ground that, having been offered and considered in Committee of the Whole, it is now in order to move it in the House."

Mr. HOLMAN moved to add to the list of committee clerks the clerk of the Committee on Claims.

The SPEAKER declared it not in order, in that it was not considered in Committee of the Whole.

Mr. KERR moved to amend Mr. DAWES' amendment, "so as to increase the salary of Mr. Dillon, the chief clerk of the sergeant-at-arms, to $3,000 a year;" which was agreed to—yeas 97, nays 27.

The amendment of Mr. DAWES was agreed to—yeas 89, nays 32.

The amendment of Mr. EUGENE HALE, as thus amended, was then agreed to—yeas 87, nays 26.

Mr. SARGENT called for the yeas and nays, but subsequently, as the hour was late, agreed to test the question by tellers.

Upon division, the tellers reported 92 yeas, (being a majority of the whole House;) nays not counted.

Mr. GARFIELD demanded the previous question on the bill and pending amendments.

Mr. SARGENT asked leave to offer the following amendment: to insert—

For compensation of the President of the United States, $50,000; and the salary of the President of the United States shall be, after the 4th of March, 1873, $50,000 per annum, payable monthly.

Mr. GARFIELD declined to grant it.

Mr. HOLMAN called for a division of the House on the demand for the previous question, stating that he wished to offer the amendment (raising the salary of the clerk of the Committee on Claims) he had already indicated.

On division there were—yeas 84, nays 51; so the previous question was seconded and the main question ordered.

The SPEAKER requested gentlemen to state the amendments upon which they ask for separate votes.

Mr. SARGENT asked for a separate vote on each amendment proposing to raise salaries.

Mr. HOLMAN asked for a separate vote on every proposition creating a new office.

January 15—Mr. SARGENT withdrew his demand as above for a separate vote.

A separate vote was taken on concurring in the amendment of the Committee of the Whole to paragraph relating to Interior Department, and it was concurred in.

Mr. SARGENT asked for a separate vote on concurring in the committee amendment to add "microscopist, $1,800."

Mr. HOLMAN called for the yeas and nays.

The amendment was concurred in—yeas 100, nays 76; not voting 65.

The bill as amended was ordered to be engrossed and read a third time, and being engrossed, was accordingly read a third time and passed.

RESOLUTIONS OFFERED.

January 27—Mr. W. R. ROBERTS offered the following resolution; upon which he called the previous question:

Resolved, That the Committee on the Judiciary of this House be, and is hereby, instructed to examine into the pay and emoluments of the several officers of the executive, judicial, and legislative departments of the United States Government; and that said committee prepare and report a bill to this House for the proper gradation of the pay and allowances for each officer in said departments; and that said committee have leave to report at any time.

Mr. G. F. HOAR made the point of order that to authorize a committee to report at any time required a suspension of the rules, which could not be done during the morning hour of Monday.

The SPEAKER sustained the point of order.

Mr. W. R. ROBERTS then offered the resolution without that clause.

Mr. G. F. HOAR raised the point of order that the gentleman had exhausted his right under this call, and cannot offer another resolution.

The SPEAKER sustained the point of order.

Mr. WAKEMAN submitted the following resolution; which was adopted:

Resolved, That the Judiciary Committee be instructed to inquire into the practicability and expediency of legislation increasing the salaries of circuit and district judges of the United States; and that the said committee be authorized to report by bill or otherwise.

Mr. ELY submitted the following resolution; upon which he called the previous question:

Resolved, That the Committee on the Judiciary of the House be, and it is hereby, instructed to examine into the pay and emoluments of the several officers of the executive, judicial, and legislative departments of the Government of the United States: and that said committee prepare and report a bill to this House for the proper graduation of the pay and allowances for each officer in said departments.

The previous question was seconded—yeas 75, nays 64. The main question was ordered, and the resolution was adopted.

IN SENATE.

1873, January 9 and 16—Mr. POOL introduced salary bills.

January 16—A message from the House announced the passage by the House of legislative, executive, and judicial appropriation bill, which subsequently was read twice by title and referred to the Committee on Appropriations.

January 20 and 21—Amendments were offered by Messrs. ROBERTSON, SHERMAN, and BUCKINGHAM, which were similarly referred.

January 21—Mr. MORRILL of Maine from the Committee on Appropriations, reported back the legislative appropriation bill with amendments.

January 22—Messrs. MORTON, CASSERLY, SAWYER, FRELINGHUYSEN, FERRY of Michigan, PRATT, ROBERTSON, WRIGHT, and STEWART submitted amendments which were referred to the Appropriation Committee.

Mr. MORRILL of Maine moved that the Senate proceed to the consideration of the legislative appropriation bill. Agreed to.

January 23—The bill being before the Senate as in Committee of the Whole,

Some forty or more amendments raising the salaries of Senate officers and employees, and, with one exception, lowering the proposed increase of salaries for House officers and employees, as offered by the Appropriation Committee, were agreed to.

Mr. SHERMAN, under instructions from the Committee on Finance, reported an amendment, but subsequently withdrew it. [See next page.]

Mr. MORRILL of Maine moved to so amend the bill as to make the compensation of members, &c., "available after the 1st day of March, 1873." Agreed to.

Mr. HILL, under instructions from the Committee on Privileges and Elections, reported an amendment to raise the salaries of Senators, Members, and Delegates from $5,000 to $8,000 per annum, to take effect from the commencement of the Forty-Second Congress.

Mr. THURMAN made the point of order that this proposed legislation on an appropriation bill was contrary to the rule of the Senate.

The Presiding Officer (Mr ANTHONY) overruled the point, stating that the rule referred to was made only for the previous session, and expired with it.

Mr. HILL's amendment was then read, viz:

To strike out lines ten and eleven in the words "for compensation and mileage of Senators, $105,000," and in lieu thereof to insert:

For compensation and mileage of Senators, $849,000; and the compensation of Senators and Representatives in Congress and the Delegates from the Territories shall be $8,000 per annum, to be paid as at present provided by law, and to commence from the beginning of the Forty-Second Congress.

Mr. SHERMAN made the point of order that the subject matter was not referred to the Committee on Privileges and Elections, and is not within their jurisdiction under the rule.

The Presiding Officer declared the amendment to be within the rule.

Mr. MORRILL of Vermont moved to amend the amendment by adding to it the following:

Provided, That at the next election of members of the House of Representatives, and before the foregoing provision shall take effect, the question of the proposed increase of pay shall be submitted to a popular vote of the people in each State;

and ballots shall be prepared with words written or printed thereon as follows: "Increase of pay, Senators and Members of Congress;" and each voter may place thereon, if in favor of the increase, the word "yea," and if opposed to the increase, the word "nay;" and unless a majority of all the votes so cast shall be in favor of the increase, all provisions in relation thereto shall be null and void.

Mr. EDMUNDS moved to lay upon the table the amendment of Mr. HILL.

The motion to table was agreed to—yeas 31, nays 15:

YEAS—Messrs. Anthony, *Bayard*, Boreman, Buckingham, *Casserly*, Chandler, Cole, Conkling, Corbett, Cragin, Edmunds, FENTON, Frelinghuysen, *Goldthwaite*, *Hamilton* of Maryland, HAMILTON of Texas, Howe, Morrill of Maine, Morrill of Vermont, Nye, J. W. Patterson, Ramsey, Sawyer, Scott, Sherman, Sprague, Stewart, *Thurman*, Wilson, Windom, Wright—31.

NAYS—Messrs. Alcorn, Carpenter, *Davis*, Flanagan, Hill, Hitchcock, *Johnston*, *Kelly*, Lewis, *Machen*, *Norwood*, Pool, *Ransom*, Robertson, *Stevenson*—15.

Messrs. CONKLING, FERRY of Connecticut, FERRY of Michigan, HITCHCOCK, POOL, and CORBETT submitted amendments to the pending bill; which were referred to the Committee on Appropriations and ordered to be printed.

January 24—Mr. FRELINGHUYSEN, for the Committee on Appropriations, offered an amendment to strike out the appropriation of $900 each for two watchmen at the Executive Mansion, and insert "for one night-watchman at the President's House, $900, and one usher, $1,200."

The amendment was agreed to.

Mr. SAWYER moved to strike out "two" in line 58 and insert "five," so as to read "clerk of printing records, $2,520." Agreed to.

Mr. SAWYER moved, in line 44, to strike out "three" and insert "two" before the word "messengers;" and after the word "dollars," in line 36, to insert "acting assistant doorkeeper, $2,160." Agreed to.

January 27-28—Mr. HILL and Mr. BUCKINGHAM submitted amendments; which were referred to the Committee on Privileges and Elections.

January 28—Mr. FERRY of Michigan, from the Committee on Finance, reported the following bill; which was read and passed to a second reading:

That from and after the first day of January, eighteen hundred and seventy-three, the salaries of the Assistant Secretaries, the Solicitor, the Register, and the Supervising Architect of the Treasury Department, the Assistant Secretary of the Interior, the Commissioner of Indian Affairs, the Commissioner of Agriculture, the Commissioner of Customs, the Auditors of the Treasury, the Commissioner of the General Land Office, the Commissioner of Pensions, the Assistant Postmasters General, the superintendent of the money-order system, and the superintendent of foreign mails of the Post Office Department, shall be four thousand dollars each per annum. The chief clerks in the several departments, three thousand dollars each. Of the Assistant Register of the Treasury, and the chief clerks of the several bureaus of the several departments, two thousand five hundred dollars each.

Mr. FERRY of Connecticut moved to strike out of the legislative appropriation bill "$1,440" and insert "$1,800," so as to increase the pay of the three assistant engineers in the Senate wing of the Capitol. Agreed to.

The bill was then reported to the Senate as amended; and the question being upon concurring in the amendments made as in Committee of the Whole, they were concurred in.

Mr. SHERMAN again offered the amendment which he had previously offered and withdrawn, viz: to add as a new section the following:

That from and after the first day of January, eighteen hundred and seventy-three, the salaries of the Assistant Secretaries, the Solicitor, the Register, and the Supervising Architect of the Treasury Department, the Assistant Secretary of the Interior, the Commissioner of Patents, the Commissioner of Indian Affairs, the Commissioner of Agriculture, the Commissioner of Customs, the Auditors of the Treasury, the Commissioner of the General Land Office, the Commissioner of Pensions, and the Assistant Postmasters General, the superintendent of the money-order system, and the superintendent of foreign mails of the Post Office Department, shall be four thousand dollars each per annum.

The amendment was agreed to.

Mr. WINDOM moved, in line 44, to strike out "two" and insert "three" before the word "messengers," in order to correct a mistake made as in Committee of the Whole. Agreed to.

Mr. WINDOM moved to amend by striking out "and for additional clerks and additional compensation to clerks in his (the Secretary of the Treasury) office, $22,500."

The amendment was agreed to—yeas 30, nays 17.

Mr. HILL, instructed by the Committee on Privileges and Elections, moved to strike out "for compensation and mileage of Senators, $405,000, and in lieu thereof to insert:

For compensation and mileage of Senators $701,000; and the compensation of Senators and Representatives in Congress and the Delegates from the Territories shall be $7,000 per annum, to be paid as at present provided by law, and to commence from the beginning of the Forty-Second Congress.

Mr. WRIGHT moved to lay the amendment on the table. Agreed to—yeas 23, nays 16.

Mr. WINDOM moved to strike out the following clause, commencing in line 518:

Provided, That $8,500 are hereby appropriated, to be expended in the office of the Treasurer of United States, at the discretion of the Secretary of the Treasury.

The amendment was agreed to.

Mr. EDMUNDS moved to reconsider the vote by which the last amendment, offered by Mr. SHERMAN, was adopted.

Mr. SHERMAN objected that Mr. EDMUNDS not having been present at the time of taking such vote, was disqualified from making a motion to reconsider.

The Presiding Officer (Mr. FERRY of Michigan) ruled that Mr. EDMUNDS could not make this motion.

Mr. WRIGHT, who had voted in the affirmative, then made it.

January 29—The motion to reconsider the vote by which the Senate had adopted Mr. SHERMAN'S amendment was disagreed to—yeas 14, nays 33. The yeas were:

Messrs. Conkling, *Cooper*, *Davis*, Edmunds, *Goldthwaite*, *Hamilton* of Maryland, HAMILTON of Texas, *Machen*, Morrill of Maine, *Saulsbury*, *Stevenson*, *Thurman*, TIPTON, *Vickers*—14.

Mr. SAWYER, at the request and in the absence of Mr. MORTON, offered the following amendment:

That the deputy commissioners of internal revenue shall receive each $4,000 per annum, for which amount appropriation is hereby made.

Mr. Morrill of Maine objected that the amendment had not been reported by any standing committee.

The Presiding Officer (Mr. ANTHONY) ruled the amendment out of order.

Mr. WINDOM moved to strike out the words "for temporary clerks, $10,000," in the Post Office Department. Agreed to—yeas 35, nays 11.

Mr. ROBERTSON moved to reconsider the vote by which (it was stated) the Senate had the previous day refused to increase the appropriation for the Bureau of Education.

The Senate refused to reconsider—yeas 27, nays 29.

Mr. WRIGHT moved, in line 1377, to strike out "seventy-one" and insert "sixty-six," and then to strike out "eighty-five" and insert "seventy-nine;" so as to read "sixty-six clerks of class one, $79.200."

Mr. MORRILL of Maine moved to lay this amendment on the table. Disagreed to—yeas 19, nays 32. The yeas were:

Messrs. Anthony, Boreman, Buckingham, Chandler, Cole, Corbett, Cragin, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Howe, Morrill of Maine, Pool, Sawyer, Scott, Spencer, Sprague, and Stewart—19.

The amendment of Mr. WRIGHT was then agreed to—yeas 31, nays 24. The yeas were:

Messrs. Ames, *Bayard*, Carpenter, *Casserly*, Conkling, *Cooper*, *Davis*, Edmunds, FENTON, Gilbert, *Goldthwaite*, *Hamilton* of Maryland, HAMILTON of Texas, Hitchcock, *Johnston*, *Kelly*, *Machen*, Morrill of Vermont, *Norwood*, Pratt, *Ransom*, Robertson, *Saulsbury*, *Stevenson*, *Stockton*, *Thurman*, TIPTON, *Vickers*, West, Windom, Wright—31.

Mr. WRIGHT moved, in line 1374, to so amend that the clause shall read "fifty-seven clerks of class three, $93,240; forty-seven clerks of class two, $65,800."

Mr. MORRILL of Maine moved to lay this amendment on the table. Disagreed to—yeas 15, nays 37.

The amendment was then agreed to.

January 30.—Mr. RAMSAY moved to reconsider the vote by which the previous day the Senate agreed to the amendment of Mr. WRIGHT reducing the clerical force in the Post Office Department.

Mr. CHANDLER moved to adjourn. Disagreed to—yeas 19, nays 19.

Mr. RAMSEY not being willing to state that he voted on the prevailing side upon Mr. WRIGHT'S amendment, his motion was declared out of order.

The amendments were then ordered to be engrossed and the bill read the third time.

The bill was passed.

February 4.—Mr. HILL brought in the following bill; which was read twice and referred to the Committee on Privileges and Elections:

That after the fourth day of March, eighteen hundred and seventy-three, the salary of the President of the United States shall be fifty thousand dollars per annum, and the salary of the Vice President of the United States, after the day aforesaid, shall be ten thousand dollars per annum.

IN HOUSE.

1873, January 31.—The legislative appropriation bill was returned by the Senate to the House with sundry amendments, in which concurrence was asked.

Mr. GARFIELD moved that said amendments be numbered, printed, and referred to the Committee on Appropriations. Agreed to.

February 7.—Mr. B. F. BUTLER, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. 3852) to adjust the salaries of the executive, judicial, and legislative departments of the Government, accompanied by a report in writing thereon; which bill was read a first and second time, and, with the report, was ordered to be printed and recommitted to the said committee.

Following is the bill:

That on and after the fourth day of March, anno Domini eighteen hundred and seventy-three, the President of the United States shall receive for his services during the term for which he shall have been elected the sum of fifty thousand dollars per annum in full for his services, to be paid quarterly at the Treasury; the Vice President of the United States shall also receive for his services during the term for which he shall have been elected the sum of ten thousand dollars per annum in full for his services, to be paid quarterly at the Treasury; and the Chief Justice of the Supreme Court of the United States shall receive the sum of ten thousand five hundred dollars per annum, and the Justices of the Supreme Court of the United States shall receive the sum of ten thousand dollars per annum each, to be paid quarterly at the Treasury; the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Attorney General, and the Postmaster General, shall receive ten thousand dollars per annum each for their services; and the Speaker of the House of Representatives shall receive compensation at the rate of ten thousand dollars per annum, and Senators and Representatives in Congress and Delegates from the Territories admitted to a seat in Congress, including Senators, Representatives, and Delegates in the Forty-Second Congress, shall receive compensation at the rate of eight thousand dollars per annum each, and in lieu of mileage there shall be allowed to each Senator, Representative, and Delegate, including those of the Forty-Second Congress, his actual expenses from his place of residence to Washington city,

at the commencement of each session of Congress, and return, to be certified in a bill of items, to be filed as a voucher.

Following is the report:

Your committee, to whom was referred the bill fixing the salary of the President, and also the resolution of the House in relation to the equalization of the salaries of executive, judicial, and legislative officers, instructing your committee to report a bill on said subject, beg leave to make the following report as the result of their consideration:

Upon the formation of the Government the salary of the President was fixed at the sum of $25,000 in gold. Since then the country has increased tenfold in population, and more than that many times in wealth and revenue. The expense of living has increased in almost, if not quite, the same ratio.

Notwithstanding, however, these great and striking changes, and the immense progress of the nation, there has never been any increase of the President's salary, it having remained the same for over eighty years, in the midst of changes on all other subjects. It will not be disputed that $100,000 at this time in currency is not equal in value to $25,000 eighty years ago in gold. The former sum will not now purchase as much of anything in use as the latter sum would three quarters of a century ago.

If it should be insisted that this disparity in the compensation of the Presidents of a former and the Presidents of the present period is removed by extra allowances made by modern legislation, your committee think that such a view is not sustained by the history of the country. An examination of that subject shows that the earlier Presidents were liberally provided by Congress with furniture, servants, and even horses and carriages, besides their salaries. It is found that some of them used their own horses and drew commutation therefor from the Government. Your committee are therefore of the opinion that the present compensation attached to the Presidential office, in proportion to the general values of the country, is hardly, if any more than, one fourth what it was when the office was created.

There is another reason in favor of an increase of this compensation which occurs with much force to your committee. While there is no law to prevent an ex-President of the United States from engaging in the business pursuits of life for the purpose of acquiring property, yet custom and public sentiment have so strongly decided against such a course on the part of one who has held this high station that your committee think he ought to have a sufficient provision while in office to enable him when he leaves it to retire from all active, or at least from all money-making, pursuits.

In view of these considerations, your committee can conceive of no valid reason whatever for continuing the present salary, and have agreed to recommend that it be fixed at the sum of $50,000 per annum as the very lowest that should be attached to the office of the President.

Your committee also concur in recommending the following salaries to the officers of the Government respectively named:

The Vice President	$10,000
The Speaker of the House	10,000
Each head of a Department constituting the President's Cabinet	10,000
The Chief Justice of the Supreme Court of the United States	10,500
The remaining justices of said court	10,000

In making this recommendation, your committee are not unmindful of the fact the expenses incident to a residence in Washington of gentlemen in those positions, and the various calls upon their hospitality and charity, must necessarily exceed that sum. Indeed, it is well known that many of them, in order to live in a manner becoming their stations, have, in later years, been compelled to rely greatly on the accumulations made by them in former years of labor. Your committee are especially of the opinion that the present pay of the judges is inadequate to their labors, duties, and station. Some of the States even pay their judges more. It is thought, however, that our present recommendation will be received with entire unanimity, and hence your committee present it to the House and country, though some members of the committee are in favor of a higher sum for the judges.

On the subject of the salaries of Senators and Representatives and Delegates in Congress, your committee find not only inadequacy in amount, but also the greatest inequalities growing out of the question of mileage. The rule establishing mileage has always been purely arbitrary and not compensatory for actual travel. It is here it was fixed when the modes of transportation were slow and expensive, and when it often took a month for a distant member to reach the capital; but there never was a time when what has always been known as mileage was expended in traveling to and from the seat of Government. The greater portion of it has always been in the nature of additional pay, and hence has worked an inequality, for which there never was a shadow of reason in the compensation of members. This inequality has become vastly greater since the construction of railroads to every State and almost every Territory in the Union. Perhaps $200 will defray the actual expenses by any member or delegate coming here from the most remote section of the country. Yet your committee find that the average mileage to each of the ten members residing farthest from the capital for a single session of Congress is $1,250 40, while the average amount of mileage paid to each of an equal number of members residing nearest the capital for the same length of time is $36 92. Those residing nearest the capital perhaps consume their mileage and much more in travel, as they frequently return home during a session of Congress. It will be apparent, therefore, that members and delegates residing at a distance receive as pay more than $1,200 in addition to the pay of many of their fellow-members. There can be no equality in the salaries of Senators, members, and delegates while this system remains. Your committee have therefore determined to recommend the abolition of pay on account of mileage, except for actual expenditures incurred in traveling in the most direct route to and from a session of Congress, an itemized account of which shall be filed with

the proper officers of the Senate and House. This will not only equalize the pay of members, but also save to the Government annually at least $150,000 now expended in mileage. It is thought that justice and economy both demand this action.

Your committee would also call attention to the abolition of the franking privilege already consummated at the present session. While there is a diversity of opinion in regard to the wisdom of this measure, yet your committee beg leave to call attention to the official information on this subject furnished by the Postmaster General of the United States under date of January 12, 1871. If the facts and figures which he submits, and which appear to have been obtained with care and method, and on which both branches of Congress have acted, are correct, then the Congress of the United States has saved to the Government the annual sum of $2,543,327 72, by depriving its members and the departments of the privilege of sending matter free in the mails. What their increased postage account, if hereafter to be borne by themselves, will necessarily be, it is difficult to estimate, but that it will be large no one will deny

In consideration, therefore, of the foregoing facts, and in consideration, also, of the fact that members in Congress should be enabled to live in a respectable manner, at least a portion of the time, with their families in Washington during their service, your committee recommend that, in lieu of the present salary of Senators, members, and delegates, in lieu of all mileage now allowed, and in lieu of the franking privilege, and all postage, stationery, and newspaper accounts, and every other perquisite, the sum of $8,000 per annum should be allowed as a fair compensation. No argument, it is thought, will be necessary to convince the public that this is no more than necessary for competent public servants. It may be urged, however, that Congress should economize rather than increase the expenditures of the Government at this time, and that Senators and members should set the example in all matters personal to themselves. Your committee fully concur in this view, and beg leave to show that their recommendation herein is not inconsistent with that position. If the salaries shall be equalized and increased, as your committee recommend, the account on the score of economy, which the present session of Congress will present to the country, will be as follows:

Increase of President's salary.....	$25,000 00
Increase of Cabinet ministers' salary.....	14,000 00
Increase of salary of judges United States Supreme Court.....	18,500 00
Increase of salary of Senators, Members, and Delegates.....	972,000 00
Total increase.....	$1,029,500 00
Saving to the Government, according to the official statement of the Postmaster General, per annum, by the abolition of the franking privilege.....	$2,543,327 72
Saving to the Government by the abolition of mileage, stationery, postage, and newspaper accounts, (estimated,).....	200,000 00
	$2,743,327 72
	1,029,500 00
Total net saving.....	$1,713,827 72

Your committee feel entirely satisfied that the Congress and the country will not fail to perceive the justice and the wisdom of the measures herein recommended.

In recommending that the rate of salaries for Senators, members, and delegates herein mentioned be applied to the present Congress and paid to its members, your committee are but following every precedent on this subject from the foundation of the Government to the present time. If it is an equitable provision for future Congresses, it is equally so for this. In making this recommendation, however, your committee believe that the mileage already received by the Senators, members, and delegates of the Forty-Second Congress should be deducted from the amount to which they will be entitled under the provisions of the bill which your committee herewith report.

February 10—Mr. B. F. BUTLER moved that the rules be suspended so as to enable him to submit, and the House to consider and agree to, the following resolution, viz:

Resolved, That the Committee on Appropriations be, and is hereby, directed to include in the miscellaneous appropriation bill, for the consideration of the Committee of the Whole House on the State of the Union, as a part thereof, the bill of the House (H. R. 3852) to adjust the salaries of the executive, judicial, and legislative departments of the Government.

Which was disagreed to—yeas 81, nays 119, (not voting, 40,) as follow:

YEAS—Messrs. BANKS, Barry, *Biggs*, Bingham, *J. G. Blair*, Burdett, B. F. Butler, R. R. Butler, *R. P. Caldwell*, *Carroll*, C. L. Cobb, Coghlan, *Critcher*, Darrall, Dickey, *Dodds*, *DuBose*, *Duke*, *Eldredge*, Elliott, *Garrett*, *Giddings*, *Golladay*, *Hancock*, *Harper*, G. E. Harris, Hays, *Herndon*, Houghton, *Kendall*, *King*, *Lamison*, Lansing, *Leach*, McJunkin, McKee, *McNeely*, *Mitchell*, J. H. Moore, Morey, Morphis, Negley, *S. L. Niblack*, Packard, Peck, Perce, *Perry*, Peters, J. H. Platt, Porter, *Potter*, Rainey, *Randall*, *Read*, *E. Y. Rice*, *J. M. Rice*, *Ritchie*, *J. C. Robinson*, *S. H. Rogers*, Shanks, *H. Sherwood*, *Shober*, *Sloss*, Snyder, *Storm*, Stowell, St. John, *Sutherland*, C. R. Thomas, Turner, *Tuthill*, *Voorhees*, *Waddell*, Wallace, *Warren*, Whiteley, Williams of Indiana, *Williams* of New York, *Winchester*, *Wood*, *P. M. B. Young*—81.

NAYS—Messrs. *Acker*, *Adams*, Ambler, Ames, *Archer*, *Arthur*, Averill, Barber, *Barnum*, Beatty, *E. W. Beck*, *J. B. Beck*, *S. N. Bell*, *Bird*, BOLES, *Braxton*, *Bright*, Buckley, Buffinton, Bunnell, Burchard, Coburn, Conger, Cotton, *Cox*, *Crebs*, Crocker, *Crossland*, *J. J. Davis*, Dawes, Donnan, *Dox*, Dunnell, Eames, *Ely*, Esty, FARNSWORTH, Farwell, Finkelnburg, C. Foster, W. D. Foster, Garfield, GOODRICH, *Haldeman*, E. Hale, Halsey,

Hambleton, *Handley*, *J. T. Harris*, J. B. Hawley, J. R. Hawley, Hay, G. W. Hazelton, *Hereford*, *Hibbard*, Hill, Kelley, Kellogg, *Kerr*, Ketcham, Killinger, *Lewis*, Lowe, J. Lynch, *Manson*, *Marshall*, Maynard, *McClelland*, *McCormick*, McCrary, McGrew, *McHenry*, *MacIntyre*, Merriam, *Merrick*, Monroe, *Morgan*, *W. E. Niblack*, Orr, Packer, Palmer, *H. W. Parker*, I. C. Parker, Pendleton, Poland, E. H. Roberts, *J. Rogers*, *Roosevelt*, Rusk, Sargent, Sawyer, Scofield, Sessions, Shellabarger, Shoemaker, *Slater*, *Slocum*, H. B. Smith, J. A. Smith, *Speer*, Sprague, Starkweather, *B. N. Stevens*, Stevenson, Stoughton, *Terry*, W. Townsend, Twichell, Tyner, Upson, *Van Trump*, *Vaughan*, Wakeman, Walden, Waldron, *Wells*, Wheeler, C. W. Willard, J. T. Wilson —119.

February 17.—Mr. NEGLEY presented an amendment proposed to be offered by him to the legislative appropriation bill. Referred to the Judiciary Committee.

Mr. WAKEMAN introduced a bill to increase the salaries of district judges in northern and southern New York; which was read twice and referred to the Judiciary Committee.

February 19.—Mr. GARFIELD asked and received permission to have printed the report of the Committee on Appropriations on the Senate amendments to the legislative, &c., appropriation bill.

February 24.—Mr. GARFIELD called up the bill, and moved that the House resolve itself into Committee of the Whole on the State of the Union for the consideration of the Senate amendments thereto.

Mr. HOLMAN moved to suspend the rules, so as to allow the bill and amendments to be considered in the House as in Committee of the Whole. Disagreed to, two-thirds not voting therefor.

Pending his previous motion, Mr. GARFIELD moved that all general debate be limited to five minutes.

Mr. RANDALL moved that the House do now adjourn. Disagreed to.

The motion to limit debate to five minutes was agreed to.

Mr. GERRY W. HAZELTON moved, at 10.56 o'clock p. m., to adjourn. Disagreed to—yeas 61, nays 97, not voting 82.

The motion to suspend the rules and go into Committee of the Whole on the Senate amendments was then agreed to—yeas 86, nays 49.

The first amendment of the Senate was read, increasing the pay of the principal clerk of the Senate from $2,592 to $3,600.

The Committee on Appropriations recommended concurrence in the Senate amendment, with an amendment to add to it the following:

And there is hereby appropriated a sum sufficient to make the annual salaries of such of the clerks in the office of the House of Representatives as receive $2,500 and upwards, (including the petition clerk and printing clerk,) and not increased in this act, $3,000 each; and of such as receive $2,160, the sum of $2,500 each; and of such as receive $1,800, the sum of $2,160 each; and of the clerks of the following committees, namely, Claims, Judiciary, Public Lands, Military Affairs, and Elections, $2,500 each; the doorkeeper of the House, $3,000; and additional pay to the chief engineer $360, so as to equalize his pay with that of the chief engineer of the Senate; and additional pay to the foreman of laborers, $120 per annum.

Mr. BURCHARD raised the point of order that this amendment is not germane to the Senate amendment, and is not authorized by existing law.

The Chair (Mr. DAWES) overruled the point of order.

Mr. BURCHARD appealed from that decision.

The decision of the Chair was sustained.

Mr. B. F. BUTLER of Massachusetts moved to amend the amendment reported from the Committee on Appropriations by substituting for it the following:

That on and after the 4th day of March, A. D. 1873, the President of the United States shall receive for his services during the term for which he shall have been elected the sum of $50,000 per annum in full for his services, to be paid quarterly at the Treasury; the Vice President of the United States shall also receive for his services during the term for which he shall have been elected the sum of $10,000 per annum in full for his services, to be paid quarterly at the Treasury; and the chief justice of the Supreme Court of the United States shall receive the sum of $10,500 per annum, and the justices of the Supreme Court of the United States shall receive the sum of $10,000 per annum each, to be paid quarterly at the Treasury; the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Attorney General, and the Postmaster General, shall receive $10,000 per annum each for their services; and each Assistant Secretary of the Treasury, State, and Interior Departments shall receive as annual compensation, to be paid quarterly, $6,500; and the Speaker of the House of Representatives shall receive compensation at the rate of $10,000 per annum, and Senators and Representatives in Congress and Delegates from the Territories admitted to a seat in Congress, including Senators, Representatives, and Delegates in the Forty-Second Congress, shall receive compensation at the rate of $7,500 per annum each, and in lieu of mileage there shall be allowed to each Senator, Representative, and Delegate, including those of the Forty-Second Congress, his actual expenses from his place of residence to Washington city, at the commencement of each session of Congress, and return, to be certified in a bill of items to be filed as a voucher; and the sum of $1,200,000, or so much thereof as may be necessary, is hereby appropriated therefor.

Mr. HAWLEY of Connecticut raised the point of order on Mr. BUTLER'S amendment that it was not germane to the amendment reported by the Committee on Appropriations.

The Chairman (Mr. DAWES) overruled it.

Mr. HOLMAN raised the point of order that the effect of this amendment is to change existing law.

The Chairman (Mr. DAWES) ruled that so far as this amendment provides for increasing official compensation or salaries now fixed by law, it is in order.

Mr. HOLMAN appealed from that decision.

The decision of the Chair was sustained—yeas 92, nays 29.

Mr. DONNAN raised the point of order that this amendment, in substance, if not *verbatim*, had once before been negatived by the House.

The Chair overruled the point.

Mr. DAWES moved, as a substitute for Mr. B. F. BUTLER's amendment, the following:

That from and after the first day of January, 1873, there shall be paid, in addition to their compensation now fixed by law, twenty-five per cent. of the same in addition thereto, as compensation to all officers in the several custom houses of the United States whose annual compensation as now fixed by law does not exceed $2,500 per annum,

But subsequently proposed to withdraw it.

Mr. J. H. PLATT objected.

Mr. DAWES moved to amend the original text of the Senate amendment by striking out the last word, and subsequently proposed to withdraw it.

Mr. PLATT objected.

The amendment was disagreed to.

Mr. J. R. HAWLEY moved to make the amount $3,600 instead of $3,500, and subsequently withdrew it.

Mr. G. F. HOAR renewed it, *pro forma*.

The amendment was rejected.

Mr. HOLMAN's amendment was then disagreed to, he having renewed it *pro forma*.

Mr. DAWES' amendment in the nature of a substitute for Mr. BUTLER's amendment was disagreed to—yeas 44, nays 109.

Mr. UPSON moved to strike out of Mr. B. F. BUTLER's amendment the words "including Senators, Representatives, and Delegates in the Forty-Second Congress," and the words "including those of the Forty-Second Congress;" which was disagreed to—yeas 60, nays 76.

Mr. DAWES moved to amend Mr. B. F. BUTLER's amendment by adding to it the proposition he had previously offered as a substitute. Disagreed to—yeas 9; nays not counted

Mr. POTTER moved to strike out of Mr. BUTLER's amendment "$7,500" and insert "$6,500." Disagreed to.

Mr. HOLMAN (at nearly one o'clock) moved that the committee do now rise, but subsequently withdrew the motion.

Mr. COBURN moved to strike out so much of the amendment as provides for increasing the pay of the President, Vice President, and members of the Senate and House of Representatives.

Mr. HOLMAN (at ten minutes to one o'clock) moved that the committee rise.

The committee refused—yeas 47, nays 71.

Mr. COBURN's amendment was then disagreed to.

Mr. DONNAN moved to strike out "$7,500" and insert "$5,500." Disagreed to.

Mr. GARFIELD asked the committee to rise. Refused.

Mr. B. F. BUTLER's amendment was then agreed to—yeas 81, nays 66.

Mr. B. F. BUTLER offered the following amendment as being in the main the amendment reported by the Committee on Appropriations:

Add to the amendment the following:

And there is hereby appropriated a sum sufficient to make the annual salaries of such of the clerks in the office of the House of Representatives as receive $2,500 and upward (including the petition clerk and printing clerk) and not increased in this act, $3,000 each; and of such as receive $2,160, the sum of $2,500 each; and of such as receive $1,800, the sum of $2,160 each; and of the clerks of the following committees, namely: Claims, Judiciary, Public Lands, Military Affairs, and Elections, $2,500 each; the doorkeeper of the House, $3,000; and additional pay to the chief engineer, $360, (so as to equalize his pay with that of the chief engineer of the Senate;) and additional pay to the foreman of laborers, $120 per annum. And it is hereby provided that the increase of compensation of the officers, clerks, and others in the employ of the Senate and House of Representatives shall apply to the present Congress, and a sum sufficient therefor is hereby appropriated.

Mr. GARFIELD moved to amend Mr. BUTLER's amendment by striking out "$1,800" and inserting "$1,700," so as to raise the salaries of such clerks as receive $1,700 to $2,160.

Mr. B. F. BUTLER so modified his amendment.

Mr. BURDETT moved to amend Mr. B. F. BUTLER's amendment by adding to it the following words:

And the messenger in charge of the documents in the office of the Clerk of the House, the sum of $2,160 per annum, and such as now receive $1,440, the sum of $1,800 each per annum, and such as now receive $3.60 per day, the sum of $1,800 each per annum.

Mr. HOLMAN moved that the committee rise. Disagreed to—yeas 46, nays 66.

Mr. BURDETT's amendment to the amendment was agreed to.

Mr. L. MYERS moved to add that the clerk of the Committee on Patents and Private Land Claims be paid $1,800 per annum.

Mr. SAWYER moved to amend by adding the clerk of the Committee on Commerce.

Mr. SARGENT moved that the committee rise. Agreed to—yeas 65, nays 55.

The committee accordingly rose and reported progress to the House; and on motion of Mr. RANDALL (at 1.17 a. m.) the House adjourned.

February 27—The House being in Committee of the Whole on the legislative appropriation bill,

Mr. GARFIELD asked unanimous consent to pass over informally the first Senate amendment. Unanimously agreed to.

Mr. RANDALL offered the following:

That twenty per cent be, and is hereby, added to the present salary of all the employees of the House of Representatives and of the Senate,

And asked that it go to the Committee on Appropriations. It was so ordered.

Mr. COX moved that the committee rise. The committee refused.

The next Senate amendment was read, as follows:

In lines 22 and 23, page of the bill, strike out "2,592" and insert "3,000;" so it will read: principal executive clerk, minute and journal clerk, and financial clerk in the office of the Secretary of the Senate, at $3,000 each.

Mr. GARFIELD moved to non-concur in all the Senate amendments from the second to the eigh-

teenth, both inclusive, in accordance with the recommendation of the Committee on Appropriations, stating that they were each and all amendments on the part of the Senate raising the salaries of their officers.

The amendments were non-concurred in.

The twenty-second amendment of the Senate, viz: to insert "the same to be available from and after the 3d day of March, 1873," so it will read:

For compensation and mileage of members of the House of Representatives and delegates from Territories, $1,650,000, the same to be available from and after the 1st day of March, 1873,

In compliance with the recommendation of the committee, was concurred in.

The twenty-third Senate amendment, viz:

Strike out "3 600" and insert "3,000," so it will read, "chief clerk $3.000,"

In compliance with the committee's recommendation, was non-concurred in.

The twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, and twenty-ninth amendments—all relating to officers of the House—the Senate having stricken out what the House had put in as to the salaries of House officers, &c., were then non concurred in at the request of the committee, so as to throw the whole subject into the conference, in view of the amendment already put on by the House—yeas 22, nays 82.

The next Senate amendment was to strike out "$1,400" and insert "$1,200" as pay of clerk in the office of public buildings and grounds.

Mr. GARFIELD moved that the committee rise, &c.; which was done.

February 28—In Committee of the Whole, the last-named amendment being read, Mr. GARFIELD asked, on the part of the Committee on Appropriations, non-concurrence.

Mr GARFIELD moved that the committee rise to close debate. Agreed to, and the committee rose.

Subsequently the House again went into Committee of the Whole.

The Senate amendment was then concurred in.

The next Senate amendment was to strike out in the paragraph in regard to the Treasurer of the United States, Assistant Treasurer, &c., the following:

Provided, That $8,500 are hereby appropriated to be expended in the office of the Treasurer of the United States, at the discretion of the Secretary of the Treasury.

Which was non concurred in.

The eighty-seventh Senate amendment was:

In the appropriation for United States courts strike out "for two retired justices of the Supreme Court, $16,000," and insert "for one retired justice of the Supreme Court, $8,000."

Mr. MERRIAM moved to amend it by adding:

And that the salaries of the clerks of the Supreme Court of the United States and the supreme court of the District of Columbia, respectively, shall not exceed the sum of $5,000 per annum; and that the excess of fees collected by them, respectively, above that sum shall be paid into the Treasury of the United States, and that said clerks shall respectively make semi-annual returns of the amount of fees received by them to the Secretary of the Treasury of the United States.

Which was agreed to, and the Senate amendment thus amended was concurred in.

The eighty-eighth amendment was to insert "$4,500" in place of "$4,000," for salaries of five judges of the Court of Claims. Non-concurred in.

The ninety-first amendment of the Senate, viz: Under the heading of Department of Justice strike out $3 000 and insert $2,500, so it will read, "law clerk, $2,500," was non-concurred in.

Subsequently Mr. GARFIELD moved that the committee rise. The committee rose. In the House—

Mr. GARFIELD moved that a recess until 8 o'clock p. m. be taken.

Mr. HOLMAN moved to adjourn—a motion which Mr. GARFIELD declared to mean another session.

The motion to adjourn was lost; and the motion to take a recess was agreed to.

After the recess came up the ninety-fourth Senate amendment, to add as a new section the following:

SEC. 3. That from and after the first day of January, 1873, the salaries of the Assistant Secretaries, the Solicitor, the Register, and the Supervising Architect of the Treasury Department, the Assistant Secretary of the Interior, the Commissioner of Indian Affairs, the Commissioner of Agriculture, the Commissioner of Customs, the Auditors of the Treasury, the Commissioner of the General Land Office, the Commissioner of Pensions, and the Assistants Postmasters General, the superintendent of the money-order system, and the superintendent of foreign mails of the Post Office Department, shall be $4,000 each per annum.

Mr. BANKS moved to amend it by adding the following:

And the salaries of the two chiefs of the diplomatic and of the consular bureaus in the Department of State, and of the chiefs of the bureaus of accounts and of indices and archives, shall be $2,400 each per annum.

The amendment of Mr. BANKS was adopted.

Mr. HOOPER moved to further amend the Senate amendment by adding the following:

"That from and after the 1st day of July, 1873, there shall be paid in addition to their present compensation twenty per cent. of the same in addition thereto, as compensation to all officers, clerks, and employees in the several Executive Departments whose annual compensation does not exceed $3,000, and ten per cent. in like manner to officers whose compensation exceeds $3,000 per annum, and which shall be in lieu of all other compensation."

The amendment was disagreed to.

Mr. GARFIELD moved to amend by inserting before the words "Assistant Secretaries" the words "Assistant Secretaries of State and the Examiner of Claims." Agreed to.

Mr. FARNSWORTH moved to amend by addir g the following:

"And the salaries of the female clerks in the various Departments who now receive $900 per annum shall be $1,200 per annum from and after the 1st day of July, A. D. 1873." Agreed to.

Mr. W. TOWNSEND moved to insert "$4,500"

in place of "$4,000" in Senate amendment, but subsequently withdrew it.

The Senate amendment thus amended was then concurred in.

The 94th Senate amendment, with the amendments thereto, was then concurred in.

Mr. GARFIELD asked the committee to return to the first Senate amendment.

Mr. L. MYERS asked unanimous consent to offer the following amendment:

That the inspectors of customs at the ports of New York, Philadelphia, Boston, Baltimore, New Orleans, San Francisco, and Portland shall, in lieu of their present compensation, hereafter be paid the sum of five dollars per diem; and the night inspectors of customs at said ports shall, in lieu of their present compensation, hereafter be paid the sum of four dollars per diem; and the salaries of the several appraisers, assistant appraisers, and examiners of customs whose salaries do not now, as fixed by law, exceed $2,500, shall hereafter be increased twenty per cent. of their present annual compensation.

Mr. E. HALE raised the point of order that this was an independent proposition.

The Chairman (Mr. DAWES) sustained the point; and the committee returned to the first Senate amendment.

Mr. GARFIELD stated that with reference to the various amendments which had been referred to the Committee on Appropriations touching the employees of the House, that committee had instructed him to report, as the result of its investigation thereof, a substitute, as follows:

That the salaries of the employees in the department of Doorkeeper and Post Office of the House and elsewhere about the House be increased in the same ratio and for the same period as those in the Clerk's desk whose salaries are raised by this act.

Which was agreed to.

The Chairman (Mr. DAWES) stated that the question was now on concurring in the first amendment of the Senate as amended by the various amendments adopted in Committee of the Whole.

Mr. B. F. BUTLER and others objected to this statement of the question, and Mr. TYNER declared that while he (Mr. T.) was temporarily occupying the chair, he (Mr. T.) had put the question to the committee as to this first Senate amendment: "Will the committee concur in the amendment of the gentleman from Massachusetts to the amendment of the Senate with an amendment?" and that in that form it was passed upon.

The Chairman (Mr. DAWES) accepted this statement of fact from Mr. TYNER, but could not understand why unanimous consent was afterwards obtained to pass over this amendment. He ruled that it was not necessary for the committee to vote upon the Senate amendment as perfected.

Mr. GARFIELD moved that the committee rise and report the bill to the House with amendments. Agreed to.

The bill being reported to the House,

Mr. GARFIELD called the previous question on the amendments reported by the Committee of the Whole, and, if that call was sustained, he asked that gentlemen who wish separate votes on amendments may indicate the same.

Mr. B. F. BUTLER moved that the rules be suspended, and that the bill, with amendments adopted in Committee of the Whole on the State of the Union, be passed.

Mr. STEVENSON raised a point of order that members could not vote upon these amendments, because pecuniarily interested.

The SPEAKER overruled the point of order for several reasons, and stated one, viz: that the whole line of precedents was against the point of order.

Mr. HOLMAN moved that the House now adjourn. Disagreed to.

On suspending the rules there were—yeas 69, nays 62: so the house refused.

The previous question was seconded, and the main question ordered.

Mr. UPSON asked a separate vote upon the first amendment acted upon in Committee of the Whole, in relation to salaries.

Mr. HOLMAN asked a separate vote on the last amendment.

The first Senate amendment, viz., in line 19 of the printed bill and amendments to strike out the word "and," and to insert the words "thirty-six hundred dollars," was then read by the clerk, and also the amendment to this amendment which was adopted by the Committee of the Whole, as follows. Add to the Senate amendment:

That on the 4th day of March, A. D. 1873, the President of the United States shall receive for his services during the term for which he shall have been elected the sum of $50,000 per annum in full for his services, to be paid quarterly at the Treasury; the Vice President of the United States shall also receive for his services during the term for which he shall have been elected the sum of $10,000 per annum in full for his services, to be paid quarterly at the Treasury; and the Chief Justice of the Supreme Court of the United States shall receive the sum of $10,500 per annum, and the justices of the Supreme Court of the United States shall receive the sum of $10,000 per annum each, to be paid quarterly at the Treasury; the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Attorney General, and the Postmaster General shall receive $10,000 per annum each for their services; and each Assistant Secretary of the Treasury, State, and Interior Departments shall receive as annual compensation, to be paid quarterly, $6,500; and the Speaker of the House of Representatives shall receive compensation at the rate of $10,000 per annum, and Senators and Representatives in Congress, and Delegates from the Territories admitted to a seat in Congress, including Senators, Representatives, and Delegates in the Forty-Second Congress, shall receive compensation at the rate of $7,500 per annum each; and in lieu of mileage there shall be allowed to each Senator, Representative, and Delegate, including those of the Forty-Second Congress, his actual expenses from his place of residence to Washington city, at the commencement of each session of Congress, and return, to be certified in a bill of items, to be filed as a

voucher; and the sum of $1,200,000, or so much thereof as may be necessary, is hereby appropriated therefor.

The amendment of the Committee of the Whole was non-concurred in—yeas 69, nays 121:

YEAS—Messrs. Averill, BANKS, Bingham, *J. G. Blair*, *Boarman*, Buckley, Burdett, R. R. Butler, C. L. Cobb, Coghlan, *Conner*, *Critcher*, Darrall, Dickey, *Dodds*, *DuBose*, Duke, *Eldredge*, Elliott, *Garrett*, *Getz*, *Giddings*, *Golladay*, *Hancock*, *Hanks*, *Harper*, G. E. Harris, Hays, *Herndon*, Houghton, *King*, *Lamison*, Lansing, Maynard, McJunkin, Morey, Morphis, L. Myers, Negley, *S. L. Niblack*, Peck, Perce, J. H. Platt, *Price*, Prindle, Rainey, *Randall*, *J. C. Robinson*, *J. Rogers*, *S. H. Rogers*, Shanks, Sheldon, *H. Sherwood*, *Sloss*, Snapp, Snyder, *Storm*, Stoughton, St. John, *Sutherland*, Sypher, C. R. Thomas, Turner, *Tuthill*, *Waddell*, Wallace, Whiteley, Williams of Indiana, *P. M. B. Young*—69.

NAYS—Messrs. *Acker*, *Adams*, Ambler, *Arthur*, Barber, Beatty, *S. N. Bell*, Bigby, *Bird*, A. BLAIR, BOLES, *Braxton*, Buffinton, Bunnell, Burchard, B. F. Butler, *R. P. Caldwell*, Coburn, Conger, Cotton, *Cox*, *Crebs*, *Crossland*, *J. J. Davis*, Dawes, Donnan, *Dox*, Duell, Dunnell, Eames, FARNSWORTH, Finkelnburg, C. Foster, *H. D. Foster*, W. D. Foster, Frye, Garfield, GOODRICH, *Griffith*, E. Hale, Halsey, *Handley*, *J. T. Harris*, Havens, J. B. Hawley, J. R. Hawley, Hay, G. W. Hazelton, J. W. Hazelton, *Hereford*, *Hibbard*, Hill, G. F. Hoar, *Holman*, Kelley, Kellogg, *Kerr*, Killinger, *Kinsella*, Lamport, Lowe, J. Lynch, *MacIntyre*, *Marshall*, *McClelland*, *McCormick*, McCrary, McGrew, *McHenry*, *McKinney*, Merriam, *Merrick*, *B. F. Meyers*, Monroe, *W. E. Niblack*, Orr, Packard, Packer, Palmer, *H. W. Parker*, I. C. Parker, Pendleton, *Perry*, Poland, *Potter*, *Read*, *E. Y. Rice*, *J. M. Rice*, *Ritchie*, E. H. Roberts, Rusk, Sargent, Sawyer, Scofield, Sessions, Shellabarger, *Shober*, Shoemaker, *Slocum*, H. B. Smith, J. A. Smith, W. C. Smith, *Speer*, Sprague, Starkweather, Stevenson, *Swann*, *D. Townsend*, W. Townsend, Twichell, Tyner, Upson, *Vaughan*, Wakeman, Walden, Waldron, *Wells*, Wheeler, C. W. Willard, J. M. Wilson, J. T. Wilson—121.

Mr. B. F. BUTLER moved to reconsider the vote just taken, and pending that motion he moved that the House adjourn.

Mr. SARGENT raised the point of order that under a former ruling a member who votes with the prevailing side merely for the purpose of moving to reconsider will not be recognized for that purpose.

The SPEAKER stated that that ruling was where the right to hold the floor for discussion was involved, and overruled the point.

Mr. COX moved to lay upon the table the motion to reconsider; which was declared out of order.

The House then (at 11.25 p. m.) decided to adjourn—yeas 114, nays 61:

YEAS—Messrs. *Adams*, *Archer*, *Arthur*, Averill, BANKS, Bigby, Bingham, *Bird*, *J. G. Blair*, *Boarman*, BOLES, *Braxton*, *Bright*, Buckley, Buffinton, Bunnell, Burdett, B. F. Butler, R. R. Butler, *R. P. Caldwell*, C. L. Cobb, Coburn, Coghlan, *Conner*, *Critcher*, *Crossland*, Darrall, *J. J. Davis*, Dickey, *DuBose*, Duell, Eames, *Eldredge*, Elliott, *H. D. Foster*, *Getz*, *Giddings*, *Golladay*, *Griffith*, *Haldeman*, *Hancock*, *Handley*, *Harper*, G. E. Harris, Hays, J. W. Hazelton, *Hereford*, *Herndon*, Houghton, Kellogg, *King*, *Lamison*, Lansing, *Leach*, *MacIntyre*, *Marshall*, Maynard, McGrew, McJunkin, *McKinney*, *Merrick*, *B. F. Meyers*, Morey, L. Myers, Negley, *S. L. Niblack*, Orr, Packard, Packer, *H. W. Parker*, I. C. Parker, Peck, Pendleton, Perce, J. H. Platt, *Price*, Prindle, Rainey, *Randall*, *E. Y. Rice*, *J. M. Rice*, *Ritchie*, *J. C. Robinson*, *J. Rogers*, *S. H. Rogers*, Sessions, Shanks, Sheldon, *H. Sherwood*, *Shober*, *Slater*, *Slocum*, H. B. Smith, Snapp, Snyder, *Speer*, Sprague, *Storm*, Stowell, St. John, Sypher, *Terry*, C. R. Thomas, *D. Townsend*, W. Townsend, Turner, Twichell, Tyner, *Waddell*, Wakeman, Whiteley, Williams of Indiana, J. M. Wilson, *P. M. B. Young*—114.

NAYS—Messrs. *Acker*, Ambler, Barber, Beatty, A. BLAIR, Burchard, Conger, Cotton, *Cox*, *Crebs*, Dawes, Donnan, Dunnell, Esty, FARNSWORTH, Finkelnburg, C. Foster, W. D. Foster, Frye, Garfield, GOODRICH, E. Hale, *Hanks*, Havens, J. B. Hawley, J. R. Hawley, Hay, G. W. Hazelton, *Hibbard*, Hill, G. F. Hoar, *Holman*, Kelley, Lowe, J. Lynch, *McClelland*, McCrary, Merriam, Monroe, Morphis, *W. E. Niblack*, Palmer, Poland, *Potter*, *Read*, E. H. Roberts, Sargent, Sawyer, Scofield, Shellabarger, Shoemaker, J. A. Smith, Stevenson, Upson, Walden, Waldron, *Wells*, Wheeler, *Whitthorne*, C. W. Willard, J. T. Wilson—61.

March 1—The legislative appropriation bill being before the House,

Mr. B. F. BUTLER made an explanation of the *status* of the bill, and said that to get the question of salaries before the two houses, it was necessary for the House to adopt some proposition. He said he was indifferent whether it was fixed at $7,500, $6,500, or $6,000.

Mr. SARGENT suggested that "he make it $6,500, and cut off all mileage and allowances."

Mr. B. F. BUTLER proposed, by unanimous consent or by a suspension of the rules, to fix the salary at $6,500.

Mr. BEATTY objected.

The SPEAKER thought that the rules could not be suspended, nor was there unanimous consent.

Mr. B. F. BUTLER moved to reconsider the vote by which the main question was ordered, and called the previous question upon that motion.

Mr. PERCE demanded the regular order.

Upon motion of Mr. FARNSWORTH, to lay upon the table the motion of Mr. B. F. BUTLER to reconsider the vote by which the House refused to agree to the amendment made in Committee of the Whole to the first Senate amendment, the House refused to lay it upon the table—yeas 66, nays 105:

YEAS—Messrs. *Acker*, Ambler, *Archer*, *Arthur*, Barber, *Barnum*, Beatty, *S. N. Bell*, A. BLAIR, BOLES, Buffinton, Burchard, Coburn, Conger, Cotton, *Cox*, Dawes, Donnan, Eames, Esty, FARNSWORTH, Finkelnburg, C. Foster, W. D. Foster, Frye, Garfield, GOODRICH, E. Hale, J. B. Hawley, J. R. Hawley, Hays, G. W. Hazelton, *Hibbard*, *Holman*, Kellogg, Killinger, J. Lynch, *MacIntyre*, McCrary, McGrew, Merriam, *Merrick*, *Mitchell*, Monroe, *W. E. Niblack*, Pendleton, *Read*, *E. Y. Rice*, E. H. Roberts, *Roosevelt*,

Rusk, Sawyer, Scofield, Shoemaker, J. A. Smith, Starkweather, Stevenson, *Swann*, *Terry*, Upson, Walden, Waldron, *Wells*, Wheeler, C. W. Willard, J. T. Wilson—66.

NAYS—Messrs. Ames, Averill, BANKS, Bigby, Bingham, *Bird*, *J. G. Blair*, *Boarman*, *Braxton*, Buckley, Bunnell, Burdett, B. F. Butler, R. R. Butler, *Campbell*, C. L. Cobb, Coghlan, *Comingo*, *Critcher*, Crocker, Darrall, *Dodds*, *DuBose*, Duell, *Duke*, Dunnell, *Eldredge*, Elliott, *H. D. Foster*, *Getz*, *Giddings*, *Golladay*, *Griffith*, *Hancock*, Harmer, *Harper*, G. E. Harris, *J. T. Harris*, Hays, J. W. Hazelton, *Herndon*, Houghton, *Kendall*, *King*, *Lamison*, Lamport, Lansing, *Leach*, Maynard, *McClelland*, McJunkin, McKee, *McKinney*, *B. F. Meyers*, Morey, Morphis, L. Myers, Negley, *S. L. Niblack*, Packard, Packer, Peck, Perce, *Perry*, J. H. Platt, *Potter*, *Price*, Prindle, Rainey, *Randall*, *J. M. Rice*, *J. C. Robinson*, *J. Rogers*, *S. H. Rogers*, Sargent, Sessions, Shanks, Sheldon, Shellabarger, *H. Sherwood*, *Sloss*, H. B. Smith, W. C. Smith, Snapp, Snyder, *Speer*, *B. N. Stevens*, *Storm*, Stoughton, Stowell, *Sutherland*, Sypher, C. R. Thomas, *D. Townsend*, W. Townsend, Turner, *Tuthill*, Twichell, *Vaughan*, *Waddell*, Whiteley, Williams of Indiana, *Williams* of New York, J. M. Wilson, *Winchester*—105.

The question recurred upon the motion to reconsider; which was agreed to—yeas 105, nays 79:

YEAS—Messrs. Ames, Averill, BANKS, Bigby, *Biggs*, Bingham, *J. G. Blair*, *Boarman*, Buckley, Bunnell, Burdett, B. F. Butler, R. R. Butler, C. L. Cobb, Coghlan, *Comingo*, *Conner*, *Critcher*, Darrall, Dickey, *Dodds*, *DuBose*, Duell, *Duke*, Dunnell, *Eldredge*, Elliott, *H. D. Foster*, *Garrett*, *Getz*, *Giddings*, *Golladay*, *Griffith*, *Hancock*, Harmer, *Harper*, G. E. Harris, Hays, J. W. Hazelton, *Herndon*, Houghton, *Kendall*, *King*, *Lamison*, Lamport, Lansing, *Leach*, Maynard, *McHenry*, McJunkin, McKee, *McKinney*, *B. F. Meyers*, *Mitchell*, Morey, Morphis, L. Myers, Negley, *S. L. Niblack*, Packard, Packer, Peck, Perce, *Perry*, J. H. Platt, *Potter*, *Price*, Prindle, Rainey, *Randall*, *J. M. Rice*, *J. C. Robinson*, *J. Rogers*, *S. H. Rogers*, Shanks, Sheldon, Shellabarger, *H. Sherwood*, *Sloss*, H. B. Smith, W. C. Smith, Snapp, Snyder, *B. N. Stevens*, *Storm*, Stoughton, Stowell, St. John, *Sutherland*, Sypher, C. R. Thomas, *D. Townsend*, W. Townsend, Turner, *Tuthill*, Twichell, *Vaughan*, *Voorhees*, *Waddell*, *Warren*, Whiteley, Williams of Indiana, *Williams* of New York, *Winchester*, *Wood*—105.

NAYS—Messrs. *Acker*, Ambler, *Archer*, *Arthur*, Barber, *Barnum*, Beatty, *E. W. Beck*, *S. N. Bell*, *Bird*, A. BLAIR, BOLES, *Braxton*, Buffinton, Burchard, *Campbell*, Clarke, Conger, Cotton, *Cox*, *Crebs*, Crocker, *J. J. Davis*, Dawes, Donnan, Eames, Esty, FARNSWORTH, Finkelnburg, C. Foster, W. D. Foster, Frye, Garfield, GOODRICH, E. Hale, *J. T. Harris*, J. B. Hawley, J. R. Hawley, Hay, G. W. Hazleton, *Hibbard*, G. F. Hoar, *Holman*, Kellogg, *Kerr*, Killinger, Lowe, J. Lynch, *MacIntyre*, *Marshall*, *McClelland*, McCrary, McGrew, Merriam, *Merrick*, Monroe, *W. E. Niblack*, Pendleton, *Read*, *E. Y. Rice*, E. H. Roberts, Rusk, Sawyer, Scofield, Sessions, Shoemaker, J. A. Smith, *Speer*, Starkweather, Stevenson, *Swann*, *Terry*, Upson, Walden, Waldron, *Wells*, Wheeler, C. W. Willard, J. T. Wilson—79.

The question then recurred on ordering the main question upon concurring in the Senate amendment as amended by the Committee of the Whole.

Mr. BUTLER moved to reconsider the vote by which the main question was ordered. Agreed to.

The question then recurred on concurring in the Senate amendment as amended by the Committee of the Whole.

Mr. SARGENT moved to amend the amendment as follows, and demanded the previous question:

Strike out after "Senators, Representatives, and Delegates in the Forty-Second Congress," the following:

"Shall receive compensation at the rate of $7,500 per annum each, and in lieu of mileage there shall be allowed to each Senator, Representative, and Delegate, including those of the Forty-Second Congress, his actual expenses from his place of residence to Washington city, at the commencement of each session of Congress, and return, to be certified in a bill of items, to be filed as a voucher."

And insert in lieu thereof the following:

"Shall receive $6,500 per annum each; and this shall be in lieu of any other pay or any allowance for mileage, newspapers, or stationery."

The previous question was seconded, and the main question ordered.

The amendment of Mr. SARGENT was then agreed to.

The amendment as reported from the Committee of the Whole with the amendment of Mr. SARGENT was then adopted—yeas 100, nay 97:

YEAS—Messrs. Ames, Averill, BANKS, Bigby, Bingham, *Boarman*, Buckley, Burdett, B. F. Butler, R. R. Butler, *R. P. Caldwell*, C. L. Cobb, Coghlan, *Comingo*, *Conner*, *Critcher*, *Crossland*, Darrall, Dickey, *Dodds*, *DuBose*, Duell, *Duke*, Dunnell, *Eldredge*, Elliott, *H. D. Foster*, *Garrett*, *Getz*, *Giddings*, *Golladay*, *Griffith*, *Hancock*, *Hanks*, Harmer, *Harper*, G. E. Harris, Hays, J. W. Hazelton, *Herndon*, Houghton, *Kendall*, *King*, *Lamison*, Lamport, Lansing, *Leach*, Maynard, *McHenry*, McJunkin, McKee, *McKinney*, *B. F. Meyers*, Morey, Morphis, L. Myers, Negley, *S. L. Niblack*, Packard, I. C. Parker, Peck, Perce, *Perry*, J. H. Platt, *Potter*, *Price*, Prindle, Rainey, *Randall*, *J. M. Rice*, *J. C. Robinson*, *J. Rogers*, *S. H. Rogers*, Sargent, Shanks, Sheldon, *H. Sherwood*, *Sloss*, Snapp, Snyder, *B. N. Stevens*, *Storm*, Stoughton, Stowell, St. John, *Sutherland*, Sypher, C. R. Thomas, *D. Townsend*, Turner, *Tuthill*, Twichell, *Vaughan*, *Voorhees*, *Waddell*, Whiteley, Williams of Indiana, *Williams* of New York, *Winchester*, *Wood*—100.

NAYS—Messrs. *Acker*, Ambler, *Archer*, *Arthur*, Barber, *Barnum*, Beatty, *E. W. Beck*, *S. N. Bell*, *Bird*, A. BLAIR, *Braxton*, Buffinton, Bunnell, Burchard, *Campbell*, F. Clarke, Conger, Cotton, *Cox*, *Crebs*, Crocker, *J. J. Davis*, Dawes, Donnan, *Dox*, Eames, *Ely*, Esty, FARNSWORTH, Finkelnburg, C. Foster, W. D. Foster, Frye, Garfield, GOODRICH, E. Hale, Halsey, *J. T. Harris*, Havens, J. B. Hawley, J. R. Hawley, Hay, G. W. Hazelton, *Hibbard*, Hill, G. F. Hoar, *Holman*, Kellogg, *Kerr*, Killinger, Lowe, J. Lynch,

MacIntyre, *Marshall*, *McClelland*, *McCormick*, McCrary, McGrew, Merriam, *Merrick*, Monroe, *W. E. Niblack*, Orr, Packer, Palmer, Poland, *Read*, *E. Y. Rice*, E. H. Roberts, *W. R. Roberts*, *Roosevelt*, Rusk, Sawyer, Scofield, Shellabarger, *Shober*, Shoemaker, H. B. Smith, J. A. Smith, W. C. Smith, *Speer*, Starkweather, Stevenson, *Swann*, *Terry*, W. Townsend, Upson, *Van Trump*, Wakeman, Walden, Waldron, *Warren*, *Wells*, Wheeler, C. W. Willard, J. T. Wilson—97.

NOT VOTING—Messrs. *Adams*, Barry, *J. B. Beck*, *Biggs*, *J. G. Blair*, BOLES, *Bright*, *Brooks*, *Carroll*, Coburn, Creely, Farwell, *Forker*, *Haldeman*, *Hambleton*, *Handley*, *Hereford*, Hooper, Kelley, Ketcham, *Kinsella*, *Lewis*, *Manson*, *McNeely*, *Mitchell*, J. H. Moore, *Morgan*, *H. W. Parker*, Pendleton, Peters, Porter, *Ritchie*, Seeley, Sessions, *Slater*, *Slocum*, Sprague, Taffe, Tyner, Wallace, *Whitthorne*, J. M. Wilson, *P. M. B. Young*—43.

Mr. GARFIELD moved to reconsider the vote and to lay the motion to reconsider on the table.

The SPEAKER ruled that, having once been reconsidered, it could not be reconsidered again.

The SPEAKER desired to make this statement personal to himself: "The Chair now desires to make a statement personal to himself. In reading the bill the Chair presumes the language of this amendment would make the Speaker's salary $10,000 for this Congress. The salary of the Speaker the last time the question of pay was under consideration was adjusted to that of the Vice President and members of the Cabinet. The Chair thinks that adjustment should not be disturbed, and the question which he now raises does not affect the pay of other members of the House. He asks unanimous consent to put in the word "hereafter," to follow the words "shall receive." This will affect whoever shall be Speaker of the House of Representatives hereafter, and does not affect the Speaker of this House, but leaves him upon the same plane with the Vice President and Cabinet officers upon the salary as before adjusted."

Mr. RANDALL objected, but afterwards withdrew the objection.

The SPEAKER stated that "the Chair will interline that amendment in the bill by unanimous consent."

Mr. FARNSWORTH, after a pause, objected.

Mr. SPEAKER declared that the objection came too late.

Mr. FARNSWORTH insisted on his objection.

The SPEAKER stated that unless the gentleman appealed from the decision of the Chair the objection would be regarded as having come too late.

Mr. ELDREDGE moved "to reconsider the vote by which the amendment was adopted, which the Speaker cannot make."

The SPEAKER ruled the motion out of order, one motion to reconsider having already been made.

Mr. FARNSWORTH appealed from the decision of the Chair in ruling that his objection came too late.

Mr. MAYNARD moved to lay the appeal on the table. Agreed to.

Separate votes were asked for upon five different amendments to the bill—the House employees' salary amendment being one of them.

With the exception of those amendments the action of the Committee of the Whole on the Senate amendments was concurred in by a two-thirds vote.

Upon agreeing to the amendment increasing the salaries of the employees of the House the vote was—yeas 74, nays 32; no quorum voting.

Mr. HOLMAN called for the yeas and nays. Refused, only seven members voting therefor.

The House again divided, and the amendment was concurred in—yeas 101; nays not counted.

The last amendment of the Senate upon which a separate vote was reserved was the following, to be added to the bill:

SEC. 3. That from and after the 1st day of January, 1873, the salaries of the Assistant Secretaries, the Solicitor, the Register, and the Supervising Architect of the Treasury Department, the Assistant Secretary of the Interior, the Commissioner of Indian Affairs, the Commissioner of Agriculture, the Commissioner of Customs, the Auditors of the Treasury, the Commissioner of the General Land Office, the Commissioner of Pensions, and the Assistant Postmasters General, the superintendent of the money order system, and the superintendent of foreign mails of the Post Office Department, shall be $4,000 each per annum.

In this the Committee of the Whole recommend concurrence, with an amendment inserting after the words "Assistant Secretaries" the words "Assistant Secretary of State and the Examiner of Claims in the Department of State."

The amendment as amended was concurred in—yeas 69; nays not counted.

Mr. GARFIELD moved to reconsider the various votes upon the amendments to this bill, and also moved that the motion to reconsider be laid upon the table. The latter motion was agreed to.

Mr. GARFIELD moved a conference with the Senate on the disagreeing votes of the two Houses.

Mr. HOLMAN moved that the bill be laid upon the table, and called for the yeas and nays. The yeas and nays were refused, and the motion disagreed to.

The motion for a committee of conference was then agreed to.

Subsequently the SPEAKER announced as the conferees on the part of the House upon the disagreeing votes of the two Houses on the legislative bill, Mr. GARFIELD of Ohio, Mr. B. F. BUTLER of Massachusetts, and Mr. RANDALL of Pennsylvania.

IN SENATE.

1873, March 1—A message from the House announced that the House had agreed to some and disagreed to other amendments of the Senate to the legislative, executive, and judicial appropriation bill; that it had agreed to other amendments of the Senate to that bill with amendments; asked a conference on the disagreeing votes of the two Houses thereon, &c.

Mr. MORRILL of Maine moved that the Senate non-concur in the action of the House, and agree to the conference asked.

Subsequently the Senate proceeded to the

consideration of the legislative appropriation bill—Mr. EDMUNDS calling for the reading of the changes made by the House.

The amendment proposed by the House to the first Senate amendment, which was to strike out of the bill, on line 16, the word "and" and insert "$3,600," so that the clause will read "principal clerk, $3,600," was read. The House agreeing to that amendment with an amendment, as follows:

Add to said amendment:

That on and after the 4th day of March, A. D. 1873, the President of the United States shall receive for his services during the term for which he shall have been elected the sum of $50,000 per annum in full for his services, to be paid quarterly at the Treasury; the Vice President of the United States shall also receive for his services during the term for which he shall have been elected the sum of $10,000 per annum in full for his services, to be paid quarterly at the Treasury; and the Chief Justice of the Supreme Court of the United States shall receive the sum of $10,500 per annum; and the justices of the Supreme Court of the United States shall receive the sum of $10,000 per annum each, to be paid quarterly at the Treasury; the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Attorney General, and the Postmaster General shall receive $10,000 per annum each for their services; and each Assistant Secretary of the Treasury, State, and Interior Departments shall receive as annual compensation, to be paid quarterly, $6,500; and the Speaker of the House of Representatives shall hereafter receive compensation at the rate of $10,000 per annum; and Senators and Representatives in Congress and Delegates from the Territories admitted to a seat in Congress, including Senators, Representatives, and Delegates in the Forty-Second Congress, shall receive $6,500 per annum each; and this shall be in lieu of any other pay or any allowance for mileage, newspapers, stationery; and the sum of $1,200,000, or so much thereof as may be necessary, is hereby appropriated therefor. And there is hereby appropriated a sum sufficient to make the annual salaries of such of the clerks in the office of the House of Representatives as receive $2,500 and upward, (including the petition clerk and printing clerk,) and not increased in this act, $3,000 each; and of such as receive $2,160, the sum of $2,500 each; and of such as receive $1,800, the sum of $2,160 each; and of the clerks of the following committees, namely: Claims, Judiciary, Public Lands, Military Affairs, and Elections, $2,500 each; the Doorkeeper of the House, $3,000; and additional pay to the chief engineer, $360, (so as to equalize his pay with that of the chief engineer of the Senate,) and additional pay to the foreman of laborers, $120 per annum. And it is hereby provided that the increase of compensation to the officers, clerks, and others in the employ of the Senate and House of Representatives shall apply to the present Congress, and a sum sufficient therefor is hereby appropriated. And the messenger in charge of documents in the office of the Clerk of the House, the sum of $2,160 per annum; and such as now receive $1,440, the sum of $1,800 per annum; and such as now receive $3.60 per day, the sum of $1,800 each per annum. That the salaries of all employes in the department of the Doorkeeper and the post office of the House and elsewhere about the House of Representatives be increased in the same ratio and for the same period as those in the Clerk's department whose salaries are raised by this act. That the Clerk of the Committee on Patents and Private Land Claims and Committee on Commerce be paid $1,800 per annum.

Mr. EDMUNDS moved to amend the amendment of the House by striking out all after the increase of the salary of the President. Disagreed to—yeas 20, nays 38:

YEAS—Messrs. Boreman, Buckingham, Caldwell, *Casserly*, Chandler, Cole, Corbett, Cragin, Edmunds, Frelinghuysen, Hamlin, Harlan, Howe, Morrill of Maine, Morrill of Vermont, Pratt, Sherman, *Thurman*, Wilson, Wright—20.

NAYS—Messrs. Ames, *Bayard*, *Blair*, Brownlow, Cameron, Carpenter, Clayton, Conkling, *Cooper*, *Davis*, FENTON, Ferry of Michigan, Flanagan, Gilbert, *Goldthwaite*, *Hamilton* of Maryland, HAMILTON of Texas, Hill, *Kelly*, Lewis, Logan, *Machen*, Morton, *Norwood*, Nye, Pool, Ramsey, *Ransom*, RICE, Robertson, Sawyer, SCHURZ, Spencer, *Stevenson*, Stewart, TRUMBULL, *Vickers*, West—38.

Mr. SHERMAN called for a separate vote on non-concurring in this House amendment.

Mr. MORTON moved to strike out so much of that amendment as refers to Senators, Representatives, and Delegates, but subsequently withdrew the motion.

Mr. BUCKINGHAM moved to amend the House amendment by inserting after the word "therefor" in the provision for Senators, &c., the following proviso:

"*Provided*, That the increase in the salaries of Senators, Members, and Delegates in Congress shall not take effect until on and after March 4, 1877."

Mr. BUCKINGHAM'S amendment was disagreed to.

Mr. HILL moved to so amend the House amendment as to fix the salaries of Senators, &c., at "$7,500" instead of "$6,500" per annum, but subsequently withdrew the motion.

Mr. EDMUNDS renewed Mr. MORTON'S motion to strike out of the House amendment all that relates to Senators, Representatives, and Delegates. Disagreed to—yeas 24; nays 36:

YEAS—Messrs. Anthony, Boreman, Buckingham, *Casserly*, Chandler, Cole, Corbett, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, *Hamilton* of Maryland, Hamlin, Harlan, Howe, Morrill of Maine, Morrill of Vermont, Morton, Pratt, SCHURZ, Sherman, *Thurman*, Windom, Wright—24.

NAYS—Messrs. Alcorn, Ames, *Blair*, Brownlow, Caldwell, Cameron, Carpenter, Clayton, Conkling, *Cooper*, *Davis*, FENTON, Flanagan, Gilbert, *Goldthwaite*, HAMILTON of Texas, Hill, *Kelly*, Lewis, *Machen*, *Norwood*, Nye, Pool, Ramsey, *Ransom*, RICE, Robertson, Sawyer, Spencer, *Stevenson*, Stewart, *Stockton*, TIPTON, TRUMBULL, *Vickers*, West—36.

Mr. MORRILL of Maine moved to strike out

all that part of the amendment which relates to the clerks of the House of Representatives and House committees.

The amendment was rejected.

Mr. EDMUNDS moved that the Senate concur with this House amendment.

Mr BAYARD moved to amend it by inserting "judges of the Court of Claims, $8,000 per annum." Rejected—yeas 21, nays 31.

The Senate refused to concur in the House amendment—yeas 2, nays 55:

YEAS—Messrs. *Bayard, Stockton*—2.

NAYS—Messrs. Alcorn, Ames, Anthony, *Blair*, Boreman, Brownlow, Buckingham, Cameron, Carpenter, *Casserly*, Chandler, Conkling, *Cooper*, Corbett, Cragin, *Davis*, Edmunds, FENTON, Ferry of Michigan, Flanagan, Gilbert, *Goldthwaite, Hamilton* of Maryland, HAMILTON of Texas, Hill, Hitchcock, Howe, *Kelly*, Lewis, Logan, *Machen*, Morrill of Maine, Morrill of Vermont, Morton, *Norwood*, Pool, Pratt, Ramsey, *Ransom*, Robertson, *Saulsbury*, Sawyer, SCHURZ, Scott, Sherman, Spencer, *Stevenson, Thurman*, TIPTON, TRUMBULL, *Vickers*, West, Wilson, Windom, Wright—55.

After concurring in the House amendment relating to suit against the Union Pacific Railroad Company, the Senate, on motion of Mr. MORRILL of Maine, insisted on all its remaining amendments disagreed to by the House, nonconcurred in the amendments of the House to the Senate amendments, and asked for a committee of conference on the disagreeing votes of the two Houses.

Mr. MORRILL of Maine, Mr. CARPENTER, and Mr. BAYARD were appointed the conferees on the part of the Senate.

Report of the Committee of Conference.

IN HOUSE.

March 3—Mr. GARFIELD rose to a privileged question, and presented the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill, (H. R. No. 2991,) the legislative appropriation bill. [See below, under head of SENATE.]

Mr. GARFIELD called the previous question on agreeing to this report; which was seconded—yeas 118, nays not counted. The main question was then ordered—yeas 103, nays 84, not voting 53:

YEAS—Messrs. *Adams*, Averill, BANKS, *E. W. Beck*, Bigby, *Biggs*, Bingham, *J. G. Blair, Boarman*, BOLES, Buckley, Burdett, B. F. Butler, R. R. Butler, *R. P. Caldwell, Campbell, Carroll*, C. L. Cobb, Coghlan, *Conner, Critcher*, Crocker, Darrall, Dickey, *Dodds, Du Bose*, Duell, *Duke, Eldredge*, Elliott, *H. D. Foster, Garrett, Getz, Giddings, Golladay, Griffith, Haldeman, Hancock, Hanks*, Harmer, *Harper*, G. E. Harris, Hays, J. W. Hazelton, *Herndon*, Houghton, Kelley, *Kendall, King, Lamison*, Lamport, Lansing, *Leach*, Maynard, *McHenry*, McKee, *McNeely, B. F. Meyers*, Morey, Morphis, L. Myers, Negley, *S. L. Niblack*, Packard, Peck, *Perry*, Peters, J. H. Platt, *Price*, Prindle, Rainey, *Randall, J. M. Rice, J. C. Robinson, J. Rogers, S. H. Rogers*, Sargent, Shanks, *H. Sherwood, Slater, Sloss*, W. C. Smith, Snapp, *Storm*, Stoughton, Stowell, St. John, *Sutherland*, Sypher, Taffe, C. R. Thomas, *D. Townsend*, Turner, *Tuthill*, Twichell, *Voorhees, Waddell*, Wakeman, Wallace, Whiteley, Williams of Indiana, *Winchester, P. M. B. Young*—103.

NAYS—Messrs. Ambler, *Arthur*, Barber, *Barnum*, Beatty, *S. N. Bell, Bird*, A. BLAIR, Buffinton, Burchard, F. Clarke, Coburn, Conger, Cotton, *Cox, Crebs, J. J. Davis*, Dawes, Donnan, *Dox*, Dunnell, Eames, *Ely*, FARNSWORTH, Finkelnburg, W. D. Foster, Frye, GOODRICH, *Hambleton, Handley*, J. B. Hawley, J. R. Hawley, Hay, G. W. Hazelton, *Hereford, Hibbard*, Hill, G F. Hoar, *Holman*, Kellogg, *Kerr*, Ketcham, *Kinsella, Lewis, MacIntyre, Manson, Marshall, McClelland, McCormick*, McCrary, McGrew, McJunkin, Merriam, *Merrick*, Monroe, *W. E. Niblack*, Packer, Palmer, *H. W. Parker, Potter*, E. H. Roberts, Rusk, Scofield, Sessions, Shellabarger, Shoemaker, *Slocum*, J. A. Smith, *Speer*, Sprague, Starkweather, *B. N. Stevens*, Stevenson, *Swann, Terry*, W. Townsend, Upson, Walden, Waldron, *Warren, Wells*, Wheeler, C. W. Willard, J. T. Wilson—84.

NOT VOTING—Messrs. *Acker*, Ames, *Archer*, Barry, *J. B. Beck, Braxton, Bright, Brooks*, Bunnell, *Comingo*, Creely, *Crossland*, Esty, Farwell, *Forker*, C. Foster, Garfield, E. Hale, Halsey, *J. T. Harris*, Havens, Hooper, Killinger, Lowe, J. Lynch, *McKinney, Mitchell*, J. H. Moore, *Morgan*, Orr, I. C. Parker, Pendleton, Perce, Poland, Porter, *Read, E. Y. Rice, Ritchie, W. R. Roberts, Roosevelt*, Sawyer, Seeley, Sheldon, *Shober*, H. B. Smith, Snyder, Tyner, *Van Trump, Vaughan, Whitthorne, Williams* of New York, J. M. Wilson, *Wood*—53.

Mr. SARGENT moved to reconsider the vote by which the main question was ordered, and also moved that the motion to reconsider be laid upon the table; which latter motion was agreed to.

The main question—upon agreeing to the conference report—was then taken, and the report adopted—yeas 102, nays 95, not voting 43:

YEAS—Messrs. *Adams*, Averill, BANKS, Bigby, Bingham, *J. G. Blair, Boarman*, BOLES, Buckley, Burdett, B. F. Butler, R. R. Butler, *R. P. Caldwell, Carroll*, C. L. Cobb, Coghlan, *Conner, Critcher, Crossland*, Darrall, Dickey, *Du Bose*, Duell, *Duke, Eldredge*, Elliott, *H. D. Foster*, Garfield, *Garrett, Getz, Giddings, Golladay, Griffith, Hancock, Hanks*, Harmer, *Harper*, G. E. Harris, Hays, J. W. Hazelton, *Herndon*, Houghton, *Kendall, King, Lamison*, Lamport, Lansing, *Leach*, Lowe, Maynard, *McHenry*, McJunkin, McKee, *McKinney, McNeely, B. F. Meyers*, Morey, Morphis, L. Myers, Negley, *S. L. Niblack*, Packard, I. C. Parker, Peck, Perce, *Perry*, Platt, *Price*, Prindle, Rainey, *Randall, J. M. Rice, J. C. Robinson, J. Rogers, S. H. Rogers*, Sargent, Shanks, Sheldon, *H. Sherwood, Sloss*, Snapp, Snyder, *Storm*, Stoughton, Stowell, St. John, *Sutherland*, Sypher, Taffe, C. R. Thomas, *D. Townsend*, Turner, *Tuthill*, Twichell, *Voorhees, Waddell*, Wallace, Whiteley, Williams of Indiana, J. M. Wilson, *Winchester, P. M. B. Young*—102.

NAYS—Messrs. Ambler, *Archer, Arthur*, Barber, *Barnum*, Beatty, *S. N. Bell, Bird*, A. BLAIR, *Bright*, Buffinton, Bunnell, Burchard, *Campbell*, F. Clarke, Coburn, Conger, Cotton, *Cox, Crebs*, Crocker, *J. J. Davis*, Dawes, Donnan, *Dox*, Eames,

Ely, FARNSWORTH, Finkelnburg, C. Foster, W. D. Foster, Frye, GOODRICH, E. Hale, *Hambleton*, *Handley*, *J. T. Harris*, Havens, J. B. Hawley, J. R. Hawley, Hay, G. W. Hazelton. *Hibbard*, Hill, G. F. Hoar, *Holman*, Kellogg, *Kerr*, Ketcham, Killinger, *Lewis*, J. Lynch, *MacIntyre*, *Marshall*, *McClelland*, *McCormick*, McCrary, McGrew. Merriam, *Merrick*, Monroe, *W. E. Niblack*, Orr, Packer, Palmer, *H. W. Parker*, Pendleton, Poland, E. H. Roberts, Rusk, Sawyer. Scofield, Sessions, Shellabarger, Shoemaker, *Slater*, *Slocum*, H. B. Smith, J. A. Smith, W. C. Smith, *Speer*, Sprague, Starkweather, *B. N. Stevens*, Stevenson, *Terry*, W. Townsend, Upson, Walden, Waldron, *Warren*, *Wells*, Wheeler, C. W. Willard, J. T. Wilson—95.

NOT VOTING—Messrs. *Acker*, Ames, Barry, *E. W. Beck*, *J. B. Beck*, *Biggs*, *Braxton*, *Brooks*, *Comingo*, Creely, *Dodds*, Dunnell, Esty, Farwell, *Forker*, *Haldeman*, Halsey, *Hereford*, Hooper, Kelley, *Kinsella*, *Manson*, *Mitchell*, J. H. Moore, *Morgan*, Peters, Porter, *Potter*, *Read*, *E. Y. Rice*, *Ritchie*, *W. R. Roberts*, *Roosevelt*, Seeley, *Shober*, *Swann*, Tyner, *Van Trump*, *Vaughan*, Wakeman, *Whitthorne*, *Williams* of New York, *Wood*—43.

[NOTE.—Mr. EPHRAIM L. ACKER of Pennsylvania, and Mr. MARK H. DUNNELL of Minnesota, claim that their names are erroneously placed among the non-voting on this call. They state that they voted in the negative, and that they have proof from Representatives to that effect.—ED.]

Mr. GARFIELD moved to reconsider this vote, and also moved to lay the motion to reconsider on the table; which latter motion was agreed to.

IN SENATE.

1873, March 3—Mr. MORRILL of Maine presented the report of the committee of conference on the disagreeing votes of the two Houses on the legislative appropriation bill, (H. R. 2991,) the recommendation as to the salary provision of which was as follows:

That the Senate recede from its disagreement to the amendment of the House to the first amendment of the Senate, and agree to the said amendment, modified so as to read as follows:

That on and after the 4th day of March, A. D. 1873, the President of the United States shall receive in full for his services during the term for which he shall have been elected the sum of $50,000 per annum, to be paid monthly; the Vice President of the United States shall receive in full for his services during the term for which he shall have been elected the sum of $10,000 per annum, to be paid monthly; and the Chief Justice of the Supreme Court of the United States shall receive the sum of $10,500 per annum, and the justices of the Supreme Court of the United States shall receive the sum of $10,000 per annum each, to be paid monthly; the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Attorney General, and the Postmaster General shall receive $10,000 per annum each for their services, to be paid monthly; and each Assistant Secretary of the Treasury, State, and Interior Departments shall receive as annual compensation, to be paid monthly, $6,000; and the Speaker of the House of Representatives shall, after the present Congress, receive in full for all his services compensation at the rate of $10,000 per annum; and Senators, Representatives, and Delegates in Congress, including Senators, Representatives, and Delegates in the Forty-Second Congress, shall receive $7,500 per annum each, and this shall be in lieu of all pay and allowances; and all those holding such office at the passage of this act, and whose claim to a seat has not been adversely decided, shall receive $7,500 per annum each, and this shall be in lieu of all pay and allowances, except the actual individual traveling expenses from their homes to the seat of Government and return by the most direct route of usual travel, once for each session of the House to which such Senator, member, or delegate belongs, to be certified to under his hand to the disbursing officer, and filed as a voucher: *Provided*, That, in settling the pay and allowances of Senators, members, and delegates in the Forty-Second Congress, all mileage shall be deducted, and no allowance made for expenses of travel. And there is hereby appropriated a sum sufficient to make the annual salaries of such of the clerks in the office of the Clerk of the House of Representatives as receive $2,500 and upward, and less than $3,000, (including the petition clerk and printing clerk,) $3,000 each; and of such as receive $2,000 and upward, and less than $2,500, the sum of $2,500 each; and of such as receive $1,800 and upward, and less than $2,000, the sum of $2,000 each; and of the Secretary of the Senate and Clerk of the House of Representatives $5,000 each; and of the chief clerk and journal clerk of the House, while such positions are held by the present incumbents, and no longer, $3,600 each; and of the doorkeeper of the House and the assistant doorkeeper of the Senate, while the position is held by the present incumbents, and no longer, $3,000; and of the postmaster of the Senate, $2,592; assistant postmaster, $2,000; and of two mail carriers, $1,700; and of the superintendent and first assistant of the Senate document room, $2,500 each; and second assistant in said document room, $1,800; and of the additional compensation to the reporters of the House and Senate for the Congressional Globe, $1,500 each; and additional pay to the chief engineer of the House, $360, (so as to equalize his pay with that of the chief engineer of the Senate.) And it is hereby provided that the increase of compensation to the officers, clerks, and others in the employ of the Senate and House of Representatives provided for in this act shall begin with the present Congress, and the pay of all the present employees of the Senate and House of Representatives, including the employees in the Library of Congress and those under the Committee on Public Buildings and Grounds, now employed in the Capitol building, and also the House reporters whose pay has not been specifically increased by this act, holding their places by appointment under the respective officers thereof, or by the authority of the Committee of Contingent Expenses of the Senate, or the Committee of Accounts of the House, be increased fifteen per cent. of their present compensation on the amount actually received and payable to them

respectively from the beginning of the present Congress, or from the date of their appointment during the present Congress, and who shall be actually employed at the passage of this act. And the amounts of money necessary to carry the foregoing provisions into effect are hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. MORRILL of Vermont raised the point of order that the committee on conference had transcended their jurisdiction in fixing the salaries of Senators, &c., at "$7,500" per annum.

The VICE PRESIDENT overruled the point of order.

Mr. WRIGHT moved that the report be recommitted to the committee of conference, with instructions to strike out all that is contained in the amendment reported back on the subject of salaries, except so much as relates to the salary of the President.

Mr. TRUMBULL made the point of order that it is not competent for the Senate to instruct a committee of conference, which must be "full and free."

The Presiding Officer (Mr. EDMUNDS) overruled the point of order.

Mr. TRUMBULL appealed from the decision of the chair.

The decision of the chair did not stand as the judgment of the Senate, and was overruled—yeas 11, nays 46:

YEAS—Messrs. Anthony, Boreman, Chandler, Ferry of Michigan, *Hamilton* of Maryland, Harlan, Howe, Pratt, Sherman, Sprague, Wright—11.

NAYS—Messrs. Alcorn, *Bayard*, *Blair*, Brownlow, Buckingham, Caldwell, Cameron, Carpenter, *Casserly*, Clayton, Cole, Conkling, *Cooper*, Cragin, *Davis*, Flanagan, *Goldthwaite*, HAMILTON, of Texas, Hamlin, Hill, Hitchcock, *Kelly*, Lewis, Logan, *Machen*, Morrill of Maine, *Norwood*, Nye, Osborn, J. W. Patterson, Pool, Ramsey, *Ransom*, RICE, Robertson, *Saulsbury*, Sawyer, SCHURZ, Scott, *Stevenson*, Stewart, TIPTON, TRUMBULL, *Vickers*, West, Windom—46.

Mr. WRIGHT moved to recommit the report without instructions. Disagreed to—yeas 24 nays 40:

YEAS—Messrs. Anthony, Boreman, Buckingham, Chandler, Cole, Conkling, Corbett, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, *Hamilton* of Maryland, Hamlin, Harlan, *Kelly*, Morrill of Vermont, Pratt, SCHURZ, Scott, Sherman, Sprague, *Thurman*, Windom, Wright—24.

NAYS—Messrs. Alcorn, Ames, *Bayard*, *Blair*, Brownlow, Caldwell, Cameron, Carpenter, *Casserly*, Clayton, *Cooper*, *Davis*, Flanagan, Gilbert, *Goldthwaite*, HAMILTON of Texas, Hill, Hitchcock, Howe, Lewis, Logan, *Machen*, Morrill of Maine, *Norwood*, Nye, Osborn, J. W. Patterson, Pool, Ramsey, *Ransom*, Robertson, *Saulsbury*, Sawyer, Spencer, Stewart, *Stockton*, TIPTON, TRUMBULL, *Vickers*, West—40.

The Senate then concurred in the report of the committee on conference—yeas 36, nays 27, not voting 10:

YEAS—Messrs. Alcorn, Ames, *Bayard*, *Blair*, Brownlow, Caldwell, Cameron, Carpenter, Clayton, *Cooper*, *Davis*, Flanagan, Gilbert, *Goldthwaite*, HAMILTON of Texas, Hill, Hitchcock, Lewis, Logan, *Machen*, Morrill of Maine, *Norwood*, Nye, Osborn, Pool, *Ransom*, RICE, Robertson, Sawyer, Spencer, Stewart, *Stockton*, TIPTON, TRUMBULL, *Vickers*, West—36.

NAYS—Messrs. Anthony, Boreman, Buckingham, *Casserly*, Chandler, Conkling, Corbett, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, *Hamilton* of Maryland, Hamlin, Howe, *Kelly*, Morrill of Vermont, J. W. Patterson, Pratt, Ramsey, *Saulsbury*, SCHURZ, Scott, Sherman, Sprague, *Thurman*, Windom, Wright—27.

ABSENT—Messrs. Cole, FENTON, Ferry of Connecticut, Harlan, *Johnston*, Morton, Pomeroy, *Stevenson*, SUMNER, Wilson—10.

III.

REPEAL OF THE "SALARY ACT OF 1873;"

AND RESTORATION OF FORMER COMPENSATION AND ALLOWANCES, AND SUNDRY MILEAGE AND OTHER STATISTICAL STATEMENTS RELATING THERETO.

FORTY-THIRD CONGRESS—FIRST SESSION.

IN HOUSE.

1873, Dec. 4—Mr. E. HALE asked unanimous consent to offer the following resolution:

Resolved, That a special committee of seven be appointed to take into consideration the subject of the repeal of the "salary bill" so called, and that said committee be instructed to report at the earliest practicable day, and that all bills on the subject be referred to said committee.

The resolution was considered and agreed to, and leave given to report at any time.

Bills on the subject were introduced by Messrs. KASSON, W. E. NIBLACK, POLAND, E. HALE, E. H. ROBERTS, HURLBUT, WELLS, BURCHARD, STARKWEATHER, W. TOWNSEND, MOREY, COX, LAWRENCE, ELDREDGE, FIELD, ARTHUR, WHITTHORNE, J. B. HAWLEY, MARSHALL, and STORM, and a resolution by Mr. KELLOGG.

The SPEAKER announced as the select committee on the subject of salaries of members of Congress, &c.:

Messrs. E. HALE, MAYNARD, KASSON, SCOFIELD, R. S. HALE, W. E. NIBLACK, and JEWETT.

December 8—Mr. E. HALE reported from the Special Committee on Salaries a bill and a joint resolution. Following is the bill:

That so much of the act entitled "An act

making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy four, and for other purposes," approved March third, eighteen hundred and seventy-three, as prescribes and fixes the rate of compensation of the Vice President of the United States, the Speaker of the House of Representatives, of Senators, Representatives, and Delegates in Congress, be, and the same is hereby, repealed.

SEC. 2. That all acts or parts of acts providing for or relating to the pay and allowances of the Vice President, and of the Speaker of the House of Representatives, and of Senators, Representatives, and Delegates, which were repealed or superseded by the act recited in the foregoing section, are hereby revived and declared to be in full force: *Provided*, That said Speaker, Senators, Representatives, and Delegates shall receive no mileage for coming to or returning from the present session of Congress, except actual individual traveling expenses from their respective homes to the seat of Government and return by the most direct route of usual travel.

SEC. 3. That the Secretary of the Treasury is required to cover into the Treasury all sums that may remain undrawn, or which have been received as increased compensation, under the provisions of said act, approved March third, eighteen hundred and seventy-three, and which shall have or may come into his possession by the return thereof.

Mr. KASSON, from a minority of the committee, reported the following bill:

That so much of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, as provides for the compensation of Senators, Representatives, and Delegates in the Forty-Second Congress, and in subsequent Congresses, at the rate of $7,500 per annum, is hereby repealed.

SEC. 2. That so much of said act approved March 3, 1873, as provides an increased compensation for any clerks, reporters, and employees of the Senate and House of Representatives and for the other employees named in said act in connection therewith, is hereby repealed. And the compensation of said clerks, reporters and employees is hereby re established at the respective rates last fixed by law prior to the passage of said act approved March 3, 1873.

SEC. 3. That from and after the close of the present term of office of the President of the United States, the compensation of the President shall be $25,000 per annum, to be paid in monthly installments: *Provided*, That during the present official term of the President no allowance or payment shall be made from the public Treasury for any compensation to the civil officers, attendants, or employees at the Executive Mansion and grounds, except only for the secretaries, clerks, steward, and the employees in charge of and at work upon the grounds attached to said mansion; and all provisions of law inconsistent with the terms of this section are repealed.

SEC. 4. That all provisions of said act approved March 3, 1873, increasing the compensation or salary of any officer or employee of the Government, except so far as the same applies to the President of the United States during his present term, and to the judges of the Supreme Court, are hereby repealed. And the salaries and compensation of said officers and employees are hereby respectively established at the rate last fixed by law prior to the passage of said act approved March 3, 1873, unless otherwise herein provided.

SEC. 5. That the salaries and allowances (excluding the franking privilege) of Senators, Representatives, and Delegates in the Forty-Third Congress, and for the succeeding Congresses, shall be the same which were last established by law prior to the passage of the said act approved March 3, 1873: *Provided*, That Senators, Representatives, and Delegates in the Forty-Third Congress who shall have received their compensation since the 4th of March, 1873, in accordance with the act last aforesaid, shall hereafter be paid only such equal monthly installments as shall in the aggregate make their compensation severally, from the 4th of March, 1873, to the close of the present Congress, equal to the amount of salary and allowances herein provided.

SEC. 6. That the Secretary of the Treasury is required to cover into the Treasury all sums which may remain undrawn, or which have been received as increased compensation, under the provisions of said act, approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

Amendments to and substitutes for the committee's bill were proposed by Messrs. MAYNARD, POLAND, E. HALE, KASSON, LEACH, J. T. HARRIS, STARKWEATHER, SPEER, LAWRENCE, J. B. HAWLEY, W. TOWNSEND, BURCHARD, EAMES, HURLBUT, E. H. ROBERTS, P. M. B. YOUNG, and DUNNELL.

Mr. WOODFORD moved the previous question, which the House refused to second—yeas 64, nays 132.

December 11—Mr. HURLBUT moved that the bill under consideration be recommitted to the committee, with instructions to report as a substitute for the first and second sections of the bill reported by the committee, as follows:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $6,000 per annum, payable monthly, and in addition thereto the actual individual expenses of each Senator, Representative, and Delegate in going to and returning from the seat of Government once in each session, to be certified in writing by each.

SEC. 2. That the compensation of the Speaker of the House of Representatives shall be at the rate of $2,000 in addition to his pay as Representative, amounting in all to $8,000; and that of the Vice President shall be the same amount, with the same allowance for traveling expenses as hereinbefore provided.

Mr. E. HALE moved the previous question.

Mr. ORTH moved to amend Mr. HURLBUT'S amendment so as to recommit the bill and pending amendments to the select committee, with the following instructions:

To report a bill repealing the whole salary act, so far as the same can be constitutionally done, except the salaries of the judges of the Supreme Court, and to ascertain the average amount of salary, mileage, and all other allowances, (exclusive of any estimate for the use of the franking privilege,) paid to Senators, Representatives, and Delegates of the Forty-First Congress; and to report a bill to-morrow, after the morning hour, determining the compensation of Senators, Representatives, and Delegates in Congress hereafter at the amount, as near as practicable, thus ascertained, with necessary traveling expenses, and restoring all other salaries as they were before the passage of said act.

The House refused to second the previous question—yeas 100, nays 145; and subsequently adjourned.

December 12—Mr. ORTH moved the previous question on the motion to recommit with his instructions. The previous question was seconded—yeas 132, nays 126.

The main question was ordered to be put—yeas 156, nays 56.

The instructions of Mr. ORTH were then adopted in place of those of Mr. HURLBUT.

The motion to recommit with the ORTH instructions was then agreed to.

Mr. DAWES moved that, when the select committee report back the bill, debate thereon in the House as in Committee of the Whole will be under the five-minute rule. Agreed to—yeas 128, nays 67.

December 16—Mr. E. HALE, from the select committee, reported, under the instructions, the following bill:

That all provisions in an act entitled "An act to provide for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, that increase the salary or compensation of Senators, Representatives, or Delegates in Congress, or of any officer or employee, are hereby repealed, except so far as the same relate to the judges of the Supreme Court and to the President of the United States during his present term of office.

SEC. 2. Hereafter the compensation of Senators, Representatives, and Delegates in Congress shall be at the rate of $5,500 per annum, and this shall be in lieu of all allowances, except the actual and necessary individual traveling expenses in coming to and returning from the national capital once each session, which shall be paid to each Senator, Representative, and Delegate on the same being certified by him to the proper accounting officers, and the salary or compensation of all officers and employees of the Government, subject to the exceptions named in section 1 of this act, shall hereafter be the same that they were prior to the passage of the act named in said section.

SEC. 3. That the Secretary of the Treasury is required to cover into the Treasury all sums that may remain undrawn, or which have been received as increased compensation under the provisions of said act, approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

Mr. KASSON offered the following amendment, to come in at the close of the second section:

Provided, That Senators, Representatives, and Delegates in the Forty-Third Congress who shall have received their compensation since the 4th of March, 1873, in accordance with the provisions of the act hereby repealed, shall hereafter be paid only such equal monthly installments as shall in the aggregate make their compensation severally, from the 4th of March, 1873, to the close of the present Congress, equal to the amount of salary herein provided.

Mr. KASSON moved the previous question, but the House refused to second it.

Mr. B. F. BUTLER moved to amend the amendment by adding to it the following:

And provided further, That the members of this Congress who were members of any preceding Congress, and who received back pay under the acts passed at that Congress, shall have the amount of such back pay deducted from the amount due them from this Congress.

Mr. B. F. BUTLER moved the previous question. The House seconded it, and the main question was ordered to be put.

Mr. YOUNG and Mr. LEACH moved that the House adjourn. The House, upon a division, refused—yeas 113, nays 113, and the SPEAKER voting no. Subsequently the yeas and nays were ordered, and the House refused to adjourn—yeas 77, nays 184.

The amendment to the amendment was disagreed to—yeas 121, nays 130, not voting 34:

YEAS—Messss. Albright, *Archer*, *Arthur*, Averill, Barber, Barry, Bass, Begole, Bierv, *Bowen*, *Brown*, *Buckner*, Bundy, Burleigh, Burrows, B. F. Butler, R. R. Butler, Cain, Cason, Cessna, A. Clark, Clayton, Clements, C. L. Cobb, Conger, *Cook*, *Cox*, Crocker, Crounse, Crutchfield, Darrall, *A. M. Davis*, *De Witt*, Dobbins, Duell, Elliott, Farwell, *Giddings*, *Hancock*, Harmer, *J. T. Harris*, Harrison, Hathorn, Havens, Hays, J. W. Hazelton, *Hereford*, *Herndon*, Houghton, Howe, Hubbell, *Hunton*, Hyde, HYNES, Killinger, Lansing, Lewis, Lofland, Loughridge, Lowndes, *Luttrell*, J. R. Lynch, *Magee*, *Marshall*, Martin, McDougall, McJunkin, *McLean*, McNulta, *Mills*, Negley, *Nesmith*, *W. E. Niblack*, Nunn, *O'Brien*, Packer, Page, *H. W. Parker*, I. C. Parker, Pelham, *Perry*, T. C. Platt, Purman, Rainey, Ransier, Rapier, Richmond, *W. R. Roberts*, *J. G. Schumaker*, Shanks, Sheldon, L. D. Shoemaker, A. H. Smith, G. L. Smith, H. B. Smith, J. A. Smith, W. A. Smith, Snyder, *Speer*, *Standeford*, *Storm*, Stowell, Strait, Strawbridge, *Swann*, Sypher, Thornburgh, Todd, *Waddell*, Wallace, Walls, J. D. Ward, *Wells*, White, *Whitehead*, WHITEHOUSE, *Whitthorne*, Williams of Indiana, *Willie*, *Wolfe*, *Wood*—121.

NAYS—Messrs. *Adams*, Albert, *Ashe*, *Atkins*, *Barnum*, *J. B. Beck*, *H. P. Beck*, *Berry*, *Blount*, Bradley, *Bright*, BROMBERG, Buffinton, Burchard, *J. H. Caldwell*, Cannon, *J. B. Clark*, *Clymer*, S. A. Cobb, Coburn, *Comingo*, Corwin, Cotton, *Crittenden*, *Crossland*, Curtis, Danford, Dawes, Donnan, Dunnell, *Durham*, Eames, *Eden*, Fort, C. Foster, Freeman, Frye, Garfield, *Glover*, Gooch, Gunckel, E. Hale, R. S. Hale, *Hamilton*, B. W. Harris, *H. R. Harris*, *Hatcher*, J. B. Hawley, J. R. Hawley, G. W. Hazelton,

Hendee, E. R. Hoar, G. F. Hoar, *Holman*, Hoskins, Hunter, *Jewett*, Kasson, Kelley, Kellogg, *Knapp*, Lawson, *Leach*, Lowe, McCrary, A. S. McDill, J. W. McDill, Mellish, Merriam, *Milliken*, Monroe, W. S. Moore, *Morrison*, L. Myers, *Neal*, Niles, O Neill, Orr, Orth, Packard, Parsons, Pendleton, Phillips, Pierce, Pike, *Potter*, Pratt, *Rawls*, Ray, *Read*, J. B. Rice, *Robbins*, E. H. Roberts, J. W. Robinson, Ross, H. B. Sayler, *M. Sayler*, H. J. Scudder, I. W. Scudder, Sener, Sessions, I. R. Sherwood, Small, Smart, J. Q. Smith, *Southard*, Sprague, Stanard, Starkweather, *Stone*, Taylor, W. Townsend, Tremain, Tyner, *Vance*, Waldron, M. L. Ward, Wheeler, C. W. Willard, G. Willard, C. G. Williams, J. M. S. Williams, W. B. Williams, *E. K. Wilson*, J. Wilson, J. M. Wilson, Woodford, Woodworth, *J. D. Young*, *P. M. B. Young*—130.

NOT VOTING—Messrs. BANNING, Barrere, *Bland*, F. Clarke, *Creamer*, Crooke, *Eldredge*, Field, Hersey, Hooper, Hurlbut, *Kendall*, *Lamar*, *Lamison*, Lamport, Lawrence, Maynard, McKee, *Mitchell*, Morey, Phelps, J. H. Platt, Poland, *Randall*, *J. C. Robinson*, Rusk, Sawyer, Scofield, Sheats, *Sloss*, *A. H. Stephens*, St. John, C. R. Thomas, Wilber—34.

Mr. NEGLEY moved that the House adjourn. Disagreed to—yeas 113, nays 137.

Mr. KASSON's amendment was then agreed to—yeas 172, nays 76, not voting 37:

YEAS—Messrs. Albright, *Archer*, *Arthur*, *Ashe*, *Atkins*, BANNING, Barrere, Barry, Bass, *J. B. Beck*, *Berry*, *Bowen*, *Bright*, *Brown*, *Buckner*, Bundy, Burchard, Burleigh, Burrows, B. F. Butler, Cannon, Cason, A. Clark, *J. B. Clark*, Clements, *Clymer*, S. A. Cobb, Coburn, Conger, *Cook*, Corwin, Cotton, *Cox*, *Crittenden*, Crocker, Crutchfield, Curtis, Danford, Dawes, *De Witt*, Dobbins, Donnan, Dunnell, Eames, *Eden*, Fort, C. Foster, Frye, Garfield, Gooch, Gunckel, E. Hale, *Hamilton*, *J T. Harris*, *Hatcher*, Hathorn, Havens, J. B. Hawley, G. W. Hazelton, J. W. Hazelton, Hendee, *Hereford*, E. R. Hoar, G. F. Hoar, *Holman*, Hoskins, Hunter, Hyde, *Jewett*, Kasson, Killinger, *Knapp*, Lawrence, Lawson, *Leach*, Loughridge, Lowe, *Luttrell*, *Magee*, *Marshall*, Martin, McCrary, J. W. McDill, McDougall, McJunkin, *McLean*, McNulta, Mellish, Merriam, *Mills*, Monroe, W. S. Moore, *Morrison*, *Neal*, Negley, *Nesmith*, *W. E. Niblack*, *O'Brien*, Orr, Orth, Packer, Page, *H. W. Parker*, I. C. Parker, Pendleton, *Perry*, Phillips, Pierce, Pike, T. C. Platt, Poland, *Potter*, Pratt, Rainey, Ransier, *Read*, Richmond, *Robbins*, E. H. Roberts, *W. R. Roberts*, J. W. Robinson, Ross, Rusk, H. B. Sayler, *M. Sayler*, Scofield, H. J. Scudder, I. W. Scudder, Sessions, Sheldon, I. R. Sherwood, L. D. Shoemaker, Smart, A. H. Smith, J. Q. Smith, *Southard*, *Speer*, Sprague, Stanard, Starkweather, *Stone*, *Storm*, Strait, *Swann*, Taylor, Todd, Tremain, Tyner, *Vance*, Waldron, Walls, J. D. Ward, M. L. Ward, *Wells*, Wheeler, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, G. Willard, C. G. Williams, J. M. S. Williams, W. B. Williams, *E. K. Wilson*, J. Wilson, J. M. Wilson, *Wolfe*, *Wood*, Woodford, Woodworth, *J. D. Young*, *P. M. B. Young*—172.

NAYS—Messrs. *Adams*, Albert, Averill, *Barnum*, *H. P. Bell*, Biery, *Blount*, Bradley, BROMBERG, Buffinton, R. R. Butler, Cain, *J. H. Caldwell*, Cessna, Clayton, C. L. Cobb, *Crossland*, Crounse, *A. M. Davis*, *Durham*, *Eldredge*, Elliott, Freeman, *Giddings*, *Glover*, R. S. Hale, *Hancock*, Harmer, B. W. Harris, *H. R. Harris*, Harrison, J. R. Hawley, Hays, *Herndon*, Houghton, Hubbell, *Hunton*, Hurlbut, HYNES, Kellogg, Lansing, Lewis, Lofland, Lowndes, J R. Lynch, Maynard, *Milliken*, L. Myers, O'Neill, Packard, Parsons, Pelham, Purman, *Rawls* Ray, J. B. Rice, Sawyer, *J. G. Schumaker*, Sener, Shanks, Small, H. B. Smith, J. A. Smith, Snyder, *Standeford*, Stowell, Strawbridge, Sypher, Thornburgh, W. Townsend, *Waddell*, Wallace, White, *Whitehead*, Williams of Indiana, *Willie*—76.

Mr. KASSON moved to reconsider the vote just taken, and also moved that the motion to reconsider be laid on the table.

Mr. HAYS called for the yeas and nays.

Mr. SENER (6:5 o'clock p. m.) moved that the House adjourn; which was agreed to—yeas 142, nays 46.

December 17—The motion to lay on the table the motion to reconsider the vote by which the KASSON amendment was adopted was agreed to—yeas 168, nays 94.

Mr. HALE of New York moved to amend the first section of the bill by striking out the words at the close of the section, "during his present term of office," after the words "and to the President of the United States," so as not to limit the salary of the President to the present term.

Mr. TREMAIN moved an amendment to the amendment, viz: to add to it the following:

And the Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Attorney General, the Postmaster General, and the Speaker of the House of Representatives.

Mr. TREMAIN subsequently, at the request of the SPEAKER, modified his amendment by striking out the words "and the Speaker of the House of Representatives."

The House disagreed to the amendment to the amendment—yeas 75, nays 192 not voting 18.

YEAS—Messrs. Albert, Albright, *Archer*, Averill, Bradley, B. F. Butler, R. R. Butler, Cessna, F. Clarke, Clayton, C. L. Cobb, Crooke, Darrall, *De Witt*, Eames, *Eldredge*, Farwell, Field, Freeman, Frye, Garfield, E. Hale, R. S. Hale, Harmer, B. W. Harris, Hathorn, Hays, J. W. Hazelton, E. R. Hoar, G. F. Hoar, Hooper, Houghton, Hubbell, Kelley, Kellogg, *Kendall*, Lamport, Lansing, Lewis, Lofland, Lowndes, Maynard, McDougall, McJunkin, Morey, L. Myers, O'Neill, Page, Parsons, Pelham, Pendleton, Phelps, J. H. Platt, Poland, *Potter*, *Randall*, Richmond, Ross, Sawyer, *J. G. Schumaker*, H. J. Scudder, I. W. Scudder, *Sloss*, Smart, Stanard, *A. H. Stephens*, Stowell, Thornburgh, W. Townsend, Tremain, *Waddell*, Wallace, M. L. Ward, White, J. M. S. Williams—75.

NAYS—Messrs. *Adams*, *Arthur*, *Ashe*, *Atkins*, BANNING, Barber, Barrere, Barry, Bass, *J. B. Beck*, *H. P. Bell*, *Berry*, Biery, *Blount*, *Bowen*, *Bright*, BROMBERG, *Brown*, *Buckner*, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cain, *J. H. Caldwell*, Cannon, Cason, A. Clark, *J. B.*

Clark, Clements, *Clymer*, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, Cotton, *Cox*, *Creamer*, *Crittenden*, Crocker, *Crossland*, Crounse, Crutchfield, Curtis, Danford, *A. M. Davis*, Dawes, Dobbins, Donnan, Duell, Dunnell, *Durham*, *Eden*, Elliott, Fort, C. Foster, *Giddings*, *Glover*, Gooch, Gunckel, *Hamilton*, *Hancock*, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Havens, J. B. Hawley, J. R. Hawley, G. W. Hazelton, Hendee, *Hereford*, *Herndon*, Hersey, *Holman*, Hoskins, Howe, Hunter, *Hunton*, Hyde, HYNES, *Jewett*, Kasson, Killinger, *Knapp*, *Lamar*, Lawrence, Lawson, *Leach*, Loughridge, Lowe, *Luttrell*, J. R. Lynch, *Magee*, *Marshall*, Martin, McCrary, A. S. McDill, J. W. McDill, McKee, *McLean*, McNulta, Mellish, Merriam, *Milliken*, *Mills*, Monroe, W. S. Moore, *Morrison*, *Neal*, *Nesmith*, *W. E. Niblack*, Nunn, *O'Brien*, Orr, Orth, Packard, Packer, *H. W. Parker*, I. C. Parker, *Perry*, Phillips, Pierce, Pike, T. C. Platt, Pratt, Rainey, Ransier, *Rawls*, Ray, *Read*, J. B. Rice, *Robbins*, E. H. Roberts, *W. R. Roberts*, J. W. Robinson, Rusk, H. B. Sayler, *M. Sayler*, Scofield, Sener, Sessions, Shanks, Sheldon, I. R. Sherwood, L. D. Shoemaker, Small, A. H. Smith, G. L. Smith, H. B. Smith, J. A. Smith, J. Q. Smith, Snyder, *Southard*, *Speer*, Sprague, *Standeford*, Starkweather, *Stone*, *Storm*, Strait, Strawbridge, *Swann*, Taylor, C. R. Thomas, Todd, Tyner, *Vance*, Waldron, Walls, J. D. Ward, *Wells*, Wheeler, *Whitehead*, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, G. Willard, C. G Williams, Williams of Indiana, W. B. Williams, *Willie*, J. Wilson, J. M. Wilson, *Wolfe*, Woodworth, *J. D. Young*, *P. M. B. Young*—192.

Mr. POLAND moved to amend section 2 of the bill by adding the following:

And all moneys paid to Senators, Representatives, or Delegates of the Forty-Third Congress under the provisions of said act of March 3, 1873, as increase of salary for the Forty-Second Congress, shall be charged and reckoned as part payment of their compensation as members of the Forty-Third Congress; and that within ten days after the passage of this act the Treasurer of the United States shall forward by mail to each member of the Forty-Second Congress (who is not a member of the Forty-Third Congress) who received additional compensation under said act of March 3, 1873, a written or printed notice, informing him of the repeal of so much of the said act as gave such increased pay, and also stating the sum thus paid to such member, and requesting such member to repay the same to the Treasury; and within ninety days thereafter said Treasurer shall report to each House of Congress the names of all such members, the sum paid to each, the names of those who have repaid, and all replies received to such notices.

Mr. MAYNARD made the point of order that this was not germane to the pending amendment.

The SPEAKER sustained the point of order.

The amendment of Mr. Hale of New York was then disagreed to—yeas 71, nays 185, not voting 29:

YEAS—Messrs. Albert, Albright, *Archer*, Averill, Barber, Biery, Bradley, B. F. Butler, R. R. Butler, Cessna, F. Clarke, C. L. Cobb, *Cook*, Crooke, Curtis, *De Witt*, Eames, Farwell, Freeman, Garfield, E. Hale, R. S. Hale, *Hancock*, Harmer, B. W. Harris, Hathorn, J. W. Hazleton, E. R. Hoar, G. F. Hoar, Hooper, Houghton, Hubbell, Kelley, Kellogg, *Kendall*, Lamport, Lansing, Lofland, Lowe, Maynard, McDougall, McJunkin, W. S. Moore, Morey, L. Myers, O'Neill, Packard, Parsons, Pelham, Pendleton, J. H. Platt, *Randall*, Richmond, Ross, Sawyer, *J. G. Schumaker*, Scofield, H. J. Scudder, I. W. Scudder, *Sloss*, Smart, H. B. Smith, *A. H. Stephens*, Stowell, Thornburgh, W. Townsend, Tremain, *Waddell*, White, J. M. S. Williams, Woodford—71.

NAYS—Messrs. *Adams*, *Arthur*, *Ashe*, *Atkins*, BANNING, Barrere, Bass, *J. B. Beck*, Begole, *H. P. Bell*, *Berry*, *Blount*, *Bowen*, *Bright*, BROMBERG, *Brown*, *Buckner*, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cain, *J. H. Caldwell*, Cannon, Cason, A. Clark, *J. B. Clark*, Clayton, Clements, *Clymer*, S. A. Cobb, Coburn, *Comingo*, Conger, Corwin, Cotton, *Cox*, *Creamer*, *Crittenden*, Crocker, *Crossland*, Crounse, Crutchfield, Danford, *A. M. Davis*, Dawes, Dobbins, Donnan, Duell, Dunnell, *Durham*, *Eden*, Field, Fort, C. Foster, Frye, *Giddings*, *Glover*, Gooch, Gunckel, *Hamilton*, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Havens, J. B. Hawley, J. R. Hawley, Hays, G. W. Hazelton, Hendee, *Hereford*, *Herndon*, *Holman*, Hoskins, Hunter, *Hunton*, Hyde, HYNES, *Jewett*, Kasson, Killinger, *Knapp*, *Lamar*, Lawrence, Lawson, *Leach*, Loughridge, *Luttrell*, J. R. Lynch, *Magee*, *Marshall*, Martin, McCrary, A. S. McDill, J. W. McDill, McKee, *McLean*, McNulta, Mellish, Merriam, *Milliken*, *Mills*, Monroe, *Morrison*, *Neal*, *Nesmith*, *W. E. Niblack*, Nunn, *O'Brien*, Orr, Orth, Packer, *H. W. Parker*, I. C. Parker, *Perry*, Phelps, Phillips, Pierce, Pike, T. C. Platt, Poland, Pratt, Rainey, Ransier, *Rawls*, Ray, *Read*, J. B. Rice, *Robbins*, E. H. Roberts, *W. R. Roberts*, J. W. Robinson, Rusk, H. B. Sayler, *M. Sayler*, Sener, Sessions, Shanks, I. R. Sherwood, L. D. Shoemaker, Small, A. H. Smith, Snyder, *Southard*, *Speer*, Sprague, Stanard, *Standeford*, Starkweather, *Stone*, *Storm*, Strait, Strawbridge, *Swann*, Taylor, C. R. Thomas, Todd, Tyner, *Vance*, Waldron, Wallace, Walls, J. D. Ward, *Wells*, Wheeler, *Whitehead*, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, G. Willard, C. G. Williams, Williams of Indiana, W. B. Williams, *Willie*, *E. K. Wilson*, J. Wilson, J. M. Wilson, *Wolfe*, *Wood*, Woodworth, *J. D. Young*, *P. M. B. Young*—185.

NOT VOTING—Messrs. *Barnum*, Barry, *Bland*, Darrall, *Eldredge*, Elliott, Hersey, Howe, Hurlbut, *Lamison*, Lewis, Lowndes, *Mitchell*, Negley, Niles, Page, *Potter*, Purman, Rapier, *J. C. Robinson*, Sheats, Sheldon, G. L. Smith, J. A. Smith, J. Q. Smith, W. A. Smith, St. John, Sypher, M. L. Ward—29.

Mr. POLAND moved to amend section 2 of the bill as above.

Mr. HOLMAN asked to have the following amendment read, which he preferred to the proposition made by Mr. POLAND:

And provided further, That the amount which shall have been received by any Senator, Representative, or Delegate of the present Congress who was a Senator, Representative, or Delegate of the Forty-Second Congress, as increased com-

pensation known as "back pay" for the Forty-Second Congress, by virtue of the said act, approved March 3, 1873, shall be deducted in equal monthly installments from the salary of such Senator, Representative, or Delegate hereafter accruing during the present Congress under the provisions of this act.

Mr. WILSON of Indiana had the following amendment to the amendment read for information:

Provided, That if any member of this House has received fees from the United States since the 4th of March last, pursuant to an act entitled "An act to authorize the continued employment of an agent and counsel of the United States," approved March 3, 1873, the amount thereof shall be deducted from his salary as a member of the Forty-Third Congress; and if such fees have not yet been paid, the payment thereof, either directly or indirectly, is hereby prohibited.

Mr. HOLMAN again offered his amendment as above, and it was accepted by Mr. POLAND as a substitute for his own.

Mr. WILSON of Indiana again desired to offer his amendment as above, but—

Mr. HOLMAN was unwilling to yield to him.

Mr. HALE of Maine called the previous question on the bill and pending amendments.

The House refused to second the demand—yeas 42, nays 143.

Mr. POLAND'S modified amendment was then agreed to—yeas 156, nays 101, not voting 28:

YEAS—Messrs. Albert, Albright, *Archer*, *Arthur*, BANNING, Barber, Barrere, Bass, *J. B Beck*, Begole, *H. P. Bell*, Biery, *Bowen*, Bradley, *Brown*, *Buckner*, Bundy, Burchard, Burleigh, Burrows, B. F. Butler, Cain, *J. H. Caldwell*, Cason, Cessna, A. Clark, *J. B. Clark*, Clayton, Clements, *Clymer*, Coburn, Conger, *Cook*, Cotton, *Cox*, *Creamer*, *Crittenden*, Crocker, Crooke, Crounse, Crutchfield, Curtis, Danford, Dawes, *De Witt*, Dobbins, Duell, Dunnell, *Durham*, Farwell, Field, Fort, C. Foster, Frye, Garfield, *Glover*, Gooch, Gunckel, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Hathorn, Havens, J. B. Hawley, G. W. Hazelton, J. W. Hazelton, Hendee, *Hereford*, *Holman*, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, HYNES, *Jewett*, Killinger, *Knapp*, Lamport, Lansing, *Leach*, Lofland, Loughridge, *Luttrell*, J. R. Lynch, *Magee*, Martin, MacDougall, McNulta, Merriam, Monroe, W. S. Moore, *Nesmith*, *W. E. Niblack*, Niles, Nunn, *O'Brien*, O'Neill, Orth, Packer, Page, *H. W. Parker*, I. C. Parker, Parsons, Pelham, *Perry*, Phillips, Pike, T. C. Platt, Poland, Rainey, Ransier, Ray, Richmond, Ross, Rusk, *M. Sayler*, Scofield, H. J. Scudder, Sessions, Sheldon, I. R. Sherwood, L. D. Shoemaker, Small, A. H. Smith, G. L. Smith, J. A. Smith, J. Q. Smith, *Speer*, Sprague, Stanard, Starkweather, *Stone*, Strait, Strawbridge, Taylor, Thornburgh, Todd, *Vance*, Wallace, Walls, J. D. Ward, M. L. Ward, *Wells*, White, WHITEHOUSE, *Whitthorne*, Wilber, C. G. Williams, J. Wilson, *Wolfe*, Woodworth, *J. D. Young*, *P. M. B. Young*—156.

NAYS—Messrs. *Adams*, *Ashe*, *Atkins*, Averill, Barry, *Berry*, *Blount*, *Bright*, BROMBERG, Buffinton, Cannon, F. Clarke, C. L. Cobb, S. A. Cobb, *Comingo*, Corwin, *Crossland*, *A. M. Davis*, Donnan, Eames, *Eden*, *Eldredge*, Elliott, Freeman, *Giddings*, E. Hale, R. S. Hale, *Hamilton*, *Hancock*, B. W. Harris, J. R. Hawley, Hays, *Herndon*, E. R. Hoar, G. F. Hoar, Hooper, Houghton, *Hunton*, Kasson, Kelley, Kellogg, *Kendall*, *Lamar*, Lawrence, Lawson, McCrary, A. S. McDill, J. W. McDill, McJunkin, McKee, Mellish, *Milliken*, *Morrison*, L. Myers, *Neal*, Negley, Orr, Packard, Phelps, Pierce, J. H. Platt, *Potter*, Pratt, *Randall*, Rapier, *Rawls*, *Read*, J. B. Rice, *Robbins*, E. H. Roberts, *W. R. Roberts*, J. W. Robinson, Sawyer, H. B. Sayler, *J. G. Schumaker*, I. W. Scudder, Sener, Shanks, *Sloss*, Smart, H. B. Smith, Snyder, *Southard*, *Standeford*, *Storm*, Stowell, C. R. Thomas, W. Townsend, Tremain, *Waddell*, Waldron, Wheeler, *Whitehead*, C. W. Willard, G. Willard, J. M. S. Williams, Williams of Indiana, W. B. Williams, *Willie*, *E. K. Wilson*, *Wood*—101.

Mr. MAYNARD moved to amend the first section of the bill by striking out the words "or employee," so as not to include the employees of the two Houses of Congress in the reduction. Disagreed to—yeas 47; nays not counted.

Mr. B. F. BUTLER moved to amend the second section of the bill by adding the following:

Provided, also, That the members of this Congress who were members of any preceding Congress, and who received retroactive increased compensation under an act passed at that Congress, shall have the amount deducted from the compensation which may become due them respectively in this Congress, unless such member has already returned such increase to the Treasury.

And demanded the previous question on his amendment.

The previous question was seconded; the main question ordered to be put; the yeas and nays refused—only 19 voting affirmatively for them; and the amendment of Mr. BUTLER was then agreed to—yeas 118, nays 44.

Mr. HURLBUT moved the following substitute, and demanded the previous question:

Be it enacted, &c., That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $6,000 per annum, payable monthly; and in addition thereto the actual individual expenses of each Senator, Representative, and Delegate in coming to and returning from the seat of Government once in each session, to be certified in writing by each.

SEC. 2. That the compensation of the Speaker of the House of Representatives shall be at the rate of $2,000, in addition to his pay as Representative, amounting in all to $8,000. And that of the Vice President shall be the same amount, with the same allowance for traveling expenses as hereinbefore provided.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 4. That the Secretary of the Treasury is required to cover into the Treasury all sums which may remain undrawn, or which may have been received as increased compensation under the provisions of said act, approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

The previous question was seconded—yeas 141, nays 48.

Upon ordering the main question, it was decided in the affirmative—yeas, 167, nays 105, not voting 13:

YEAS—Messrs. *Adams*, Albert, Albright, *Archer*, *Arthur*, *Ashe*, *Atkins*, Averill, Barber, Barrere, Bass, *J. B. Beck*, Begole, *H. P. Bell*, Biery, *Blount*, *Bowen*, Bradley, *Bright*, *Buckner*, Buffinton, Bundy, Burrows, B. F. Butler, R. R. Butler, Cain, Cason, Cessna, A. Clark, *J. B. Clark*, Clayton, Clements, C. L. Cobb, *Comingo*, Conger, *Cook*, *Creamer*, *Crittenden*, Crocker, Crooke, *Crossland*, Crounse, Crutchfield, Darrall, *A. M. Davis*, *De Witt*, Dobbins, Duell, *Eldredge*, Elliott, Farwell, Field, Freeman, *Giddings*, *Glover*, R. S. Hale, *Hamilton*, *Hancock*, Harmer, B. W. Harris, *H. R. Harris*, Harrison, *Hatcher*, Hathorn, Havens, Hays, J. W. Hazleton, *Herndon*, E. R. Hoar, G. F. Hoar, Hooper, Hoskins, Hubbell, *Hunton*, Hurlbut, Hyde, HYNES, Kelley, Kellogg, Killinger, *Lamar*, Lamport, Lansing, *Leach*, Lewis, Lofland, Lowndes, *Lutrell*, J. R. Lynch, *Magee*, Maynard, A. S. McDill, MacDougall, McJunkin, Mellish, *Milliken*, W. S. Moore, Morey, L. Myers, Negley, *Nesmith*, Niles, Nunn, *O'Brien*, O'Neill, Packard, Page, I. C. Parker, Parsons, Pelham, Phelps, Pike, J. H. Platt, T. C. Platt, Rainey, Ransier, Rapier, *Rawls*, Ray, *Read*, J. B. Rice, Richmond, *Robbins*, Sawyer, H. B. Sayler, *J. G. Schumaker*, H. J. Scudder, I. W. Scudder, Sener, Shanks, Sheldon, *Sloss*, Small, Smart, G. L. Smith, H. B. Smith, Snyder, Stanard, *Standeford*, *Stone*, *Storm*, Stowell, Strawbridge, *Swann*, Sypher, Taylor, C. R. Thomas, Thornburgh, Todd, W. Townsend, *Vance*, Waldron, Wallace, J. D. Ward, M. L. Ward, Wheeler, White, *Whitehead*, J. M. S. Williams, Williams of Indiana, *Willie*, *E. K. Wilson*, J. M. Wilson, *Wolfe*, *Wood*, *J. D. Young*, *P. M. B. Young*—167.

NAYS—Messrs. BANNING, Barry, *Berry*, BROMBERG, *Brown*, Burchard, Burleigh, *J. H. Caldwell*, Cannon, F. Clarke, *Clymer*, S. A. Cobb, Coburn, Corwin, Cotton, *Cox*, Curtis, Danford, Dawes, Donnan, Dunnell, *Durham*, Eames, *Eden*, Fort, C. Foster, Frye, Garfield, Gooch, Gunckel, E. Hale, *J. T. Harris*, J. B. Hawley, J. R. Hawley, G. W. Hazleton, Hendee, *Hereford*, *Holman*, Houghton, Howe, Hunter, *Jewett*, Kasson, *Kendall*, *Knapp*, Lawrence, Lawson, Loughridge, Lowe, *Marshall*, Martin, McCrary, J. W. McDill, *McLean*, McNulty, Merriman, *Mills*, Monroe, *Morrison*, *Neal*, *W. E. Niblack*, Orr, Orth, Packer, *H. W. Parker*, Pendleton, *Perry*, Phillips, Pierce, Poland, *Potter*, Pratt, *Randall*, E. H. Roberts, *W. R. Roberts*, J. W. Robinson, Ross, Rusk, *M. Sayler*, Scofield, Sessions, J. R. Sherwood, L. D. Shoemaker, A. H. Smith, J. A. Smith, J. Q. Smith, *Southard*, *Speer*, Sprague, Starkweather, Strait, Tyner, *Waddell*, Walls, *Wells*, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, G. Willard, C. G. Williams, W. B. Williams, J. Wilson, Woodford, Woodworth—105.

Mr. SPEER moved that the House adjourn. Disagreed to.

The substitute of Mr. HURLBUT was then agreed to—yeas 139, nays 130, not voting 16:

YEAS—Messrs. *Adams*, Albert, *Archer*, *Ashe*, *Atkins*, Averill, Barrere, Barry, *J. B. Beck*, Begole, Biery, *Bowen*, Bradley, *Bright*, Buffinton, Burrows, B. F. Butler, R. R. Butler, Cain, Cessna, A. Clark, Clayton, Clements, C. L. Cobb, *Comingo*, *Cook*, *Creamer*, Crocker, Crooke, *Crossland*, Crutchfield, Darrall, *A. M. Davis*, *De Witt*, Dobbins, Duell, *Durham*, *Eldredge*, Elliott, Farwell, Field, Freeman, *Giddings*, R. S. Hale, *Hamilton*, *Hancock*, Harmer, B. W. Harris, Harrison, Hathorn, Havens, Hays, J. W. Hazelton, *Herndon*, E. R. Hoar, G. F. Hoar, Houghton, Howe, Hubbell, *Hunton*, Hurlbut, HYNES, Kelley, *Lamar*, Lamport, Lansing, *Leach*, Lewis, Lofland, Lowndes, J. R. Lynch, A. S. McDill, McJunkin, McKee, Mellish, *Milliken*, Morey, L. Myers, Negley, *Nesmith*, Nunn, *O'Brien* O'Neill, Packard, Page, I. C. Parker, Parsons, Pelham, Phelps, J. H. Platt, T. C. Platt, Rainey, *Randall*, Ransier, Rapier, *Rawls*, Ray, J. B. Rice, Richmond, Sawyer, *J. G. Schumaker*, H. J. Scudder, I. W. Scudder, Sener, Shanks, Sheldon, *Sloss*, Smart, G. L. Smith, H. B. Smith, J. A. Smith, Snyder, Stanard, *Standeford*, *Storm*, Stowell, Strawbridge, *Swann*, Sypher, Taylor, C. R. Thomas, Thornburgh, W. Townsend, *Vance*, *Waddell*, Waldron, Wallace, Walls, J. D. Ward, M. L. Ward, Wheeler, White, *Whitehead*, J. M. S. Williams, Williams of Indiana, *Willie*, *E. K. Wilson*, *Wood*, *P. M. B. Young*—139.

NAYS—Messrs. Albright, *Arthur*, BANNING, Barber, Bass, *H. P. Bell*, *Berry*, *Blount*, BROMBERG, *Brown*, *Buckner*, Bundy, Burchard, Burleigh, *J. H. Caldwell*, Cannon, Cason, *J. B. Clark*, *Clymer*, S. A. Cobb, Coburn, Conger, Corwin, Cotton, *Cox*, *Crittenden*, Crounse, Curtis, Danford, Dawes, Donnan, Dunnell, Eames, *Eden*, Fort, C. Foster, Frye, Garfield, *Glover*, Gunckel, E. Hale, *H. R. Harris*, *J. T. Harris*, *Hatcher*, J. B. Hawley, J. R. Hawley, G. W. Hazelton, Hendee, *Hereford*, *Holman*, Hoskins, Hunter, Hyde, *Jewett*, Kasson, Killinger, *Knapp*, Lawrence, Lawson, Loughridge, Lowe, *Luttrell*, *Magee*, *Marshall*, Martin, Maynard, McCrary, J. W. McDill, McDougall, *McLean*, McNulta, Merriam, *Mills*, Monroe, W. S. Moore, *Morrison*, *Neal*, *W. E. Niblack*, Niles, Orr, Orth, Packer, *H. W. Parker*, Pendleton, *Perry*, Phillips, Pierce, Pike, Poland, *Potter*, Pratt, *Read*, *Robbins*, E. H. Roberts, *W. R. Roberts*, J. W. Robinson, Ross, Rusk, H. B. Sayler, *M. Sayler*, Scofield, Sessions, I. R. Sherwood, L. D. Shoemaker, Small, A. H. Smith, J. Q. Smith, *Southard*, *Speer*, Sprague, Starkweather, *Stone*, Strait, Todd, Tremain, Tyner, *Wells*, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, G. Willard, C. G. Williams, W. B. Williams, J. Wilson, J. M. Wilson, *Wolfe*, Woodford, Woodworth, *J. D. Young*—130.

NOT VOTING—Messrs. *Barnum*, *Bland*, F. Clarke, Gooch, Hersey, Hooper, Kellogg, *Kendall*, *Lamison*, *Mitchell*, Purman, *J. C. Robinson*, Sheats, W. A. Smith, *A. H. Stephens*, St. John—16.

Mr. CESSNA moved to reconsider the vote just taken, and also moved that the motion to reconsider be laid on the table.

Mr. HOLMAN moved that the House adjourn. Disagreed to.

Mr. CESSNA's motion to lay on the table was agreed to.

Mr. W. R. ROBERTS moved that the House adjourn. Disagreed to.

The bill as amended by the substitute was ordered to be engrossed and read a third time—yeas 158, nays 105, not voting 22:

YEAS—Messrs. *Adams*, Albert, *Archer*, *Ashe*, *Atkins*, Averill, Barrere, Barry, Bass, *J. B. Beck*, Begole, *H. P. Bell*, Biery, *Bowen*, Bradley, *Bright*, Buffinton, Burchard, B. F. Butler, R. R. Butler, Cain, Cannon, Cessna, A. Clark, Clayton, Clements, C. L. Cobb, S. A. Cobb, *Comingo*, *Cook*, *Creamer*, Crocker, Crooke, *Crossland*, Crounse, Crutchfield, Darrall, *A. M. Davis*, *De Witt*, Duell, *Durham*, *Eldredge*, Elliott, Farwell, Field, Freeman, Garfield, *Giddings*, *Glover*, R. S. Hale, *Hamilton*, *Hancock*, Harmer, B. W. Harris, *H. R. Harris*, Harrison, Hathorn, Havens, J. B. Hawley, J. R. Hawley, Hays, J. W. Hazelton, *Herndon*, E. R. Hoar, G. F. Hoar, Hoskins, Houghton, Howe, Hubbell, *Hunton*, Hurlbut, Kelley, Kellogg, *Lamar*, Lamport, Lansing, *Leach*, Lofland, Lowe, Lowndes, J. R. Lynch, *Magee*, McCrary, A. S. McDill, McJunkin, *McLean*, McNulta, Mellish, Merriam, *Milliken*, *Mills*, L. Myers, Negley, *Nesmith*, Nunn, *O'Brien*, O'Neill, Packard, Page, I. C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, J. H. Platt, T. C. Platt, Rainey, *Randall*, Ransier, *Rawls*, Ray, J. B. Rice, Richmond, E. H. Roberts, Ross, Sawyer, *J. G. Schumaker*, H. J. Scudder, I. W. Scudder, Sener, Shanks, Sheldon, I. R. Sherwood, *Sloss*, Smart, A. H. Smith, G. L. Smith, H. B. Smith, J. Q. Smith, Snyder, Stanard, *Standeford*, *Storm*, Stowell, Strawbridge, *Swann*, Sypher, Taylor, C. R. Thomas, Thornburgh, W. Townsend, Tremain, *Vance*, *Waddell*, Waldron, Wallace, J. D. Ward, M. L. Ward, Wheeler, White, *Whitehead*, J. M. S. Williams, Williams of Indiana, *Willie*, *E. K. Wilson*, *Wood*, Woodford—158.

NAYS—Messrs. Albright, *Arthur*, BANNING, Barber, *Berry*, *Blount*, BROMBERG, *Brown*, *Buckner*, Bundy, Burleigh, Burrows, *J. H. Caldwell*, Cason, *J. B. Clark*, *Clymer*, Coburn, Conger, Corwin, Cotton, *Cox*, *Crittenden*, Curtis, Danford, Dawes, Donnan, Dunnell, Eames, *Eden*, Fort, C. Foster, Frye, Gooch, Gunckel, E. Hale, *J. T. Harris*, *Hatcher*, G. W. Hazelton, Hendee, *Holman*, Hunter, Hyde, HYNES, *Jewett*, Kasson, *Knapp*, Lawrence, Lawson, Loughridge, *Luttrell*, *Marshall*, Martin, Maynard, J. W. McDill, MacDougall, Monroe, W. S. Moore, *Morrison*, *Neal*, *W. E. Niblack*, Niles, Orr, Orth, Packer, *H. W. Parker*, *Perry*, Pierce, Pike, Poland, *Potter*, Pratt, *Read*, *Robbins*, *W. R. Roberts*, J. W. Robinson, Rusk, H. B. Sayler, *M. Sayler*, Scofield, Sessions, L. D. Shoemaker, Small, J. A. Smith, *Southard*, *Speer*, Sprague, Starkweather, *Stone*, Strait, Todd, Tyner, *Wells*, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, G. Willard, C. G. Williams, W. B. Williams, J. Wilson, J. M. Wilson, *Wolfe*, Woodworth, *J. D. Young*, *P. M. B. Young*—105.

NOT VOTING—Messrs. *Barnum*, *Bland*, F. Clarke, Dobbins, *Hereford*, Hersey, Hooper, *Kendall*, Killinger, *Lamison*, Lewis, McKee, *Mitchell*, Morey, Purman, Rapier, *J. C. Robinson*, Sheats, W. A. Smith, *A. H. Stephens*, St. John, Walls—22.

Mr. HURLBUT called the previous question on the passage of the bill.

The previous question was seconded—yeas 143; nays not counted.

The main question was ordered—yeas 131, nays 130, not voting 24:

YEAS—Messrs. *Adams*, Albert, *Archer*, *Atkins*, Averill, Barrera, Barry, *H. P. Bell*, Biery, Bradley, *Bright*, Buffinton, B. F. Butler, R. R. Butler, Cain, Cessna, A. Clark, F. Clarke, Clayton, Clements, C. L. Cobb, S. A. Cobb, *Comingo*, *Cook*, *Creamer*, Crocker, Crooke, *Crossland*, Crounse, Crutchfield, Darrall, *A. M. Davis*, *De Witt*, Dobbins, Duell, *Eldredge*, Elliott, Farwell, Field, Freeman, *Giddings*, *Hamilton*, *Hancock*, Harmer, B. W. Harris, *H. R. Harris*, Harrison, Havens, Hays, J. W. Hazelton, *Herndon*, E. R Hoar, G. F. Hoar, Houghton, Howe, Hubbell, *Hunton*, Hurlbut, HYNES, Kelley, *Lamar*, Lamport, Lansing, *Leach*, Lofland, Lowndes, J. R. Lynch, Maynard, McJunkin, McKee, McNulta, W. S. Moore, L. Myers, Negley, *Nesmith*, Niles, Nunn, *O'Brien*, O'Neill, Packard, Page, I. C. Parker, Pelham, J. H. Platt, T. C. Platt, Rainey, *Randall*, Ransier, *Rawls*, Ray, J. B. Rice, Richmond, Ross, *J. G. Schumaker*, H. J. Scudder, I. W. Scudder, Sener, Shanks, Sheldon, *Sloss*, Small, Smart, G. L. Smith, H. B. Smith, J. A. Smith, Snyder, Stanard, *Standeford*, *Storm*, Stowell Strawbridge, *Swann*, Sypher, Taylor, C. R. Thomas, Thornburgh, Todd, W. Townsend, *Vance*, *Waddell*, Waldron, Wallace, J. D. Ward, M. L. Ward, White, *Whitehead*, J. M. S. Williams, Williams of Indiana, *Willie*, *E. K. Wilson*, *Wood*—131.

NAYS—Messrs. Albright, *Arthur*, *Ashe*, BANNING, Barber, Bass, *J. B. Beck*, *Berry*, *Blount*, *Bowen*, BROMBERG, *Brown*, *Buckner*, Bundy, Burchard, Burleigh, Burrows, *J. H. Caldwell*, Cannon, Cason, *J. B. Clark*, *Clymer*, Coburn, Conger, Corwin, Cotton, *Cox*, *Crittenden*, Curtis, Danford, Dawes, Donnan, Dunnell, *Durham*, Eames, *Eden*, Fort, C. Foster, Frye, Garfield, *Glover*, Gooch, Gunckel, E. Hale, R. S. Hale, *J. T. Harris*, *Hatcher*, Hathorn, J. B. Hawley, J. R. Hawley, G. W. Hazelton, Hendee, *Holman*, Hoskins, Hunter, Hyde, *Jewett*, Kasson, Killinger, *Knapp*, Lawrence, Lawson, Loughridge, Lowe, *Luttrell*, *Magee*, *Marshall*, Martin, McCrary, J. W. McDill, MacDougall, *McLean*, Mellish, Merriam, *Milliken*, *Mills*, Monroe, *Morrison*, *Neal*, *W. E. Niblack*, Orr, Orth, Packer, *H. W. Parker*, Parsons, Pendleton, *Perry*, Phillips, Pierce, Pike, Poland, *Potter*, Pratt, *Read*, *Robbins*, E. H. Roberts, *W. R. Roberts*, J. W. Robinson, Rusk, H. B. Sayler, *M. Sayler*, Scofield, Sessions, I. R. Sherwood, L. D. Shoemaker, A. H. Smith, J. Q. Smith, *Southard*, *Speer*, Sprague, Starkweather, *Stone*, Strait, Tremain, Tyner, *Wells*, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, G. Willard, C. G. Williams, W. B. Williams, J. Wilson, J. M. Wilson, *Wolfe*, Woodford, Woodworth, *J. D. Young*, *P. M. B. Young*—130.

NOT VOTING—Messrs. *Barnum*, Begole, *Bland*, *Hereford*, Hersey, Hooper, Kellogg, *Kendall*, *Lamison*, Lewis, A. S. McDill, *Mitchell*, Morey, Phelps, Purman, Rapier, *J. C. Robinson*, Sawyer, Sheats, W. A. Smith, *A. H. Stephens*, St. John, Walls, Wheeler—24.

Mr. BUTLER of Massachusetts moved to reconsider the vote just taken, and also moved to lay the motion to reconsider upon the table.

Mr. SPEER moved (9 o'clock p. m.) that the House adjourn. Disagreed to.

The motion to reconsider was laid upon the table—yeas 119, nays 57.

Mr. POTTER moved that the House adjourn. Disagreed to.

The bill was then passed—yeas 122, nays 74.

Mr. HURLBUT moved to reconsider the vote just taken, and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

Mr. HURLBUT moved to amend the title of the bill so that it should read: "An act to establish the compensation of Senators, Representatives, and Delegates;" which was agreed to.

IN SENATE.

1873, December 19—Mr. WRIGHT, for the Committee on Civil Service, &c., reported the House salary bill (793) with amendments. [See end of this chapter.]

1874, January 5—Mr. WRIGHT moved and the Senate agreed to take up, as in Committee of the Whole, the House salary bill, (793.)

The Committee on Civil Service and Retrenchment reported an amendment to strike out the first, second and third sections of the bill, and in lieu thereof insert the following:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of members of Congress, and the several officers and employees of either House of Congress, or both, be, and the same is hereby, repealed, and the salaries and compensation of all said persons shall be as fixed by the laws in force at the time of the passage of said act.

SEC. 2. That the compensation of the several heads of Departments shall be each $8,000 per annum.

Mr. SHERMAN moved to amend the amendment by adding the words "and Delegates" after the words "members of Congress." Agreed to.

Mr. PRATT offered the following amendment: to add at the end of the first section of the amendment offered by the Committee the following:

Provided, however, That the Senators, Representatives, and Delegates of the Forty-Third Congress, who have received their compensation since the 4th day of March, 1873, at the rate of $7,500 per annum, in accordance with the act of March 3, 1873, shall hereafter be paid only such monthly installments as shall in the aggregate make their compensation for the whole Congress equal to the sum of $5,000 per annum, exclusive of mileage allowances.

January 6—Mr. STEWART offered an amendment to the amendment, viz: to substitute for the committee amendment the following:

Provided, however, That the Senators, Representatives, and Delegates of the Forty-Third Congress who have received any increased compensation under the act of March 3, 1873, shall hereafter be paid only such monthly installments as shall in the aggregate make their compensation equal to $5,000 per annum for each Congress since the 4th of March, 1871, exclusive of mileage allowances.

Mr. PRATT wished to perfect the amendment he had offered yesterday by adding the following:

And provided further, That in all cases where any Senator, Representative, or Delegate of the Forty-Third Congress shall not have actually drawn the full rate of compensation provided by the said act since the 4th day of March, 1873, such sums so undrawn and in excess of the rate of compensation of $5,000 per year herein provided shall be covered into the Treasury by the disbursing officers of the Senate and House of Representatives.

Mr. STEWART declined to permit it.

Mr. WRIGHT made the point of order that Mr. Stewart's amendment was out of order, as there was an amendment in the second degree now pending.

The PRESIDENT *pro tempore* sustained the point of order.

January 8—Mr. PRATT's amendment to the amendment was disagreed to—yeas 14, nays 45, not voting 13:

YEAS—Messrs. *Bogy*, Conkling, Cragin, FENTON, Ferry of Michigan, Hamlin, Morton, Oglesby, Pratt, Sargent, SCHURZ, *Thurman*, Wadleigh, Windom—14.

NAYS—Messrs. Allison, *Bayard*, Boreman, Boutwell, Brownlow, Buckingham, Cameron, Carpenter, Clayton, Conover, *Cooper*, Crozier, *Davis*, *Dennis*, Dorsey, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, *Goldthwaite*, *Hamilton* of Maryland, HAMILTON of Texas, Hitchcock, Howe, Ingalls, *Kelly*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, Morrill of Maine, Morrill of Vermont, *Norwood*, Ramsey, *Ransom*, *Saulsbury*, Scott, Sherman, Spencer, *Stevenson*, Stewart, SUMNER, TIPTON, Wright—45.

Mr. PRATT offered an amendment to the amendment, viz: to add to the first section thereof the following, as finally modified by him:

Provided, however, That the compensation of Senators, Representatives, and Delegates of the Forty-Third Congress, elected or chosen prior to the 1st day of December, 1873, shall be at the rate of $7,500 for the year ending March 3, 1874 and shall be at the rate of $2,500 for the year ending March 3, 1875, exclusive of mileage, as fixed above.

Which was rejected.

Mr. HAMILTON of Maryland moved to amend the amendment by striking out the first and second sections thereof, and inserting the following:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the salaries of the President, Vice-President, members of Congress, and Delegates, and all other officers therein named, be and the same is hereby repealed; and the salaries and compensation of all said officers and clerks, of every name and description, shall be and remain as fixed by the laws in force at the time of the passage of the act the provisions of which are hereby repealed: *Provided*, That this repeal, so far as it relates to the salary of the President, shall not take effect until the 4th day of March, 1877, on and after which date said repeal as to the salary of said

officer shall have full force and effect, and as to all other officers from and after the taking effect of this act: *And provided further*, That this repeal shall not relate to or affect the salaries of the chief and other justices of the Supreme Court of the United States as now established by law.

Mr. MORRILL of Vermont offered an amendment to the amendment, to add after line ten thereof the following:

Provided, That the allowance for mileage hereafter to be paid to each Senator, Representative, and Delegate for going to and returning from the seat of Government once in each session shall be one half of the sum allowed and paid prior to the act of March 3, 1873.

The latter was ruled to be first in order, and was disagreed to—yeas 30, nays 33, not voting 9:

YEAS—Messrs. Anthony, *Bogy*, Boreman, Buckingham, Cameron, Carpenter, Conkling, Crozier, *Davis*, Edmunds, FENTON, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Hamlin, Ingalls, Morrill of Maine, Morrill of Vermont, Morton, *Norwood*, Oglesby, Pratt, Ramsey, *Ransom*, *Saulsbury*, SCHURZ, Scott, Sherman, SUMNER, *Thurman*—30.

NAYS—Messrs. Allison, *Bayard*, Boutwell, Brownlow, Chandler, Clayton, Conover, *Cooper*, Cragin, *Dennis*, Dorsey, Flanagan, Gilbert, *Goldthwaite*, *Hamilton* of Maryland, Hitchcock, Howe, *Kelly*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, J. J. Patterson, Sargent, Spencer, Sprague, *Stevenson*, TIPTON, Wadleigh, West, Windom, Wright—33.

Mr. CRAGIN moved an amendment to the amendment, viz: to add to the end of the first section thereof the following:

Provided, That mileage shall not be allowed for the first session of the Forty-Third Congress.

Which was agreed to.

The amendment of Mr. HAMILTON of Maryland to the amendment was agreed to—yeas 32, nays 29, not voting 11:

YEAS—Messrs. Allison, *Bogy*, Boreman, Carpenter, Clayton, Conkling, *Cooper*, *Davis*, *Dennis*, Edmunds, FENTON, Ferry of Michigan, *Goldthwaite*, *Gordon*, *Hamilton* of Maryland, Hitchcock, *Kelly*, Lewis, *McCreery*, *Merrimon*, *Norwood*, Oglesby, J. J. Patterson, Pratt, Ramsey, *Ransom*, *Saulsbury*, SCHURZ, *Stevenson*, *Thurman*, Windom, Wright—32.

NAYS—Messrs. Anthony, *Bayard*, Boutwell, Brownlow, Buckingham, Cameron, Conover, Cragin, Crozier, Dorsey, Flanagan, Frelinghuysen, Gilbert, Hamlin, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Sargent, Scott, Sherman, Spencer, Sprague, SUMNER, TIPTON, Wadleigh, West—29.

Mr. EDMUNDS moved to add to the amendment just adopted, after the second clause, the following:

And the reduction of salaries herein provided for shall take effect as of the 4th day of March, 1873, and the accounting officers of the Treasury shall compute the same accordingly, and shall make ratable monthly deductions from said salaries at the rate necessary to effectuate this provision within nine months next hereafter.

January 9—Mr. EDMUNDS' amendment to the amendment was disagreed to—yeas 19, nays 39, not voting 14:

YEAS—Messrs. *Bogy*, Carpenter, Chandler, Conkling, Cragin, Edmunds, FENTON, Ferry of Michigan, Mitchell, Morrill of Maine, Morton, Oglesby, Pratt, Ramsey, Sargent, SCHURZ, Sherman, *Thurman*, Wadleigh—19.

NAYS—Messrs. Allison, Anthony, *Bayard*, Boreman, Boutwell, Brownlow, Buckingham, Clayton, *Cooper*, Crozier, *Davis*, *Dennis*, Dorsey, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, *Goldthwaite*, *Gordon*, *Hamilton* of Maryland, HAMILTON of Texas, Howe, Ingalls, *Kelly*, Lewis, Logan, *McCreery*, *Merrimon*, *Norwood*, J. J. Patterson, *Ransom*, *Saulsbury*, Scott, Spencer, Sprague, *Stevenson*, SUMNER, West, Wright—39.

Mr. BOREMAN moved to amend the amendment by adding the following:

And provided further, That after the date last mentioned the salary of the President shall be $35,000 per annum.

Which was disagreed to.

Mr. CLAYTON moved that the bill with the proposed amendments be committed to the Committee on Civil Service and Retrenchment, with instructions to report a bill looking to a general reduction of all salaries, both civil and military, as far as the same can be lawfully done; said reduction to be apportioned so as to equalize as near as may be the salaries of all officers, in accordance with the nature and with respect to the amount of service rendered by them.

Which was disagreed to—yeas 19, nays 41, not voting 12:

The YEAS were—Messrs. *Bogy*, Cameron, Clayton, Conover, *Cooper*, *Davis*, *Dennis*, Dorsey, Flanagan, Gilbert, *Goldthwaite*, *Kelly*, Lewis, *Merrimon*, *Norwood*, J. J. Patterson, Spencer, *Stevenson*, TIPTON—19.

Mr. LOGAN offered to amend the amendment by striking out the word "President" in line 9 of printed bill, and striking out all of lines 17 to 24, inclusive, to the words "and provided," and also by inserting the word "President" in line 26 before the words "Chief Justice."

Mr. SHERMAN objected that it was not in order to amend by striking out what had already been adopted by vote of the Senate.

The PRESIDENT *pro tempore* sustained the point of order.

The question being upon striking out a portion of the House bill, in accordance with the recommendation of the Committee on Civil Service, &c., and inserting the amendment already agreed to by the Senate as in Committee of the Whole,

Mr. HAMLIN moved to amend the first section of the House bill by striking out "$6,000" and inserting "$5,500," so that it would read:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $5,500 per annum, payable monthly, and in addition thereto the actual individual expenses of each Senator, Representative, and Delegate in going to and returning from the seat of Government once in each session, to be certified in writing by each.

Mr. EDMUNDS moved to amend Mr. HAMLIN'S amendment by striking out "$5,500" and in-

serting in lieu thereof "$5,000," which was agreed to—yeas 31, nays 28, not voting 13, as follow:

YEAS—Messrs. Allison, *Bogy*, Buckingham, Carpenter, Conkling, Cragin, Crozier, Edmunds, FENTON, Ferry of Michigan, Frelinghuysen, *Hamilton* of Maryland, Howe, Ingalls, Logan, *McCreery*, Mitchell, Morrill of Vermont, Morton, Oglesby, Pratt, *Saulsbury*, SCHURZ, Scott, Sherman, *Stevenson*, *Thurman*, Wadleigh, West, Windom, Wright—31.

NAYS—Messrs. Boreman, Boutwell, Brownlow, Cameron, Clayton, Conover, *Cooper*, *Davis*, *Dennis*, Dorsey, Ferry of Connecticut, Flanagan, Gilbert, *Goldthwaite*, HAMILTON of Texas, Hamlin, Hitchcock, *Kelly*, Lewis, *Merrimon*, Morrill of Maine, *Norwood*, J. J. Patterson, *Ransom*, Sargent, Sprague, Spencer, TIPTON—28.

Mr. HAMLIN'S amendment as amended was then agreed to—yeas 28, nays 26.

Mr. EDMUNDS moved to amend the House bill by striking out the words "actual individual expenses of each Senator, Representative, and Delegate," and to insert in lieu thereof the words, "and mileage allowed by law prior to the act of March 3, 1873," so it will read as follows:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $5,000 per annum, payable monthly, and in addition thereto the mileage allowed by law prior to the passage of the act of March 3, 1873.

Mr. Morrill of Vermont moved to amend Mr. EDMUNDS' amendment to the House bill by inserting before the words "the mileage," the words "one-half of."

Mr. CRAGIN moved to amend Mr. EDMUNDS' amendment by adding to it the following:

"*Provided*, That mileage shall not be allowed or paid to Senators, Representatives, and delegates for the first session of the Forty-Third Congress.

Which was agreed to.

Mr. EDMUNDS' amendment as amended being read, in the following words:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $5,000 per annum, payable monthly, and in addition thereto the mileage allowed by law prior to the passage of the act of March 3, 1873, in going to and returning from the seat of Government once in each session, to be certified in writing by each.

Provided, That mileage shall not be allowed or paid to Senators, Representatives, or Delegates for the first session of the Forty-Third Congress,

Was agreed to—yeas 34, nays 25:

YEAS—Messrs. Allison, Anthony, *Bayard*, *Bogy*, Boreman, Buckingham, Carpenter, Chandler, Clayton, *Cooper*, Cragin, Dorse , Edmunds, Ferry of Michigan, Flanagan, *Goldthwaite*, *Hamilton* of Maryland, HAMILTON of Texas, Hitchcock, Howe, Ingalls, *Kelly*, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, Ramsey, Sargent, Sprague, *Thurman*, West, Windom, Wright—34.

NAYS—Messrs. Boutwell, Brownlow, Cameron, Conkling, Conover, Crozier, *Davis*, *Dennis*, Ferry of Connecticut, Frelinghuysen, *Gordon*, Hamlin, Morrill of Vermont, *Norwood*, Ogelsby, J. J. Patterson, Pratt, *Ransom*, *Saulsbury*, Scott, Sherman, Spencer, *Stevenson*, SUMNER, Wadleigh—25.

The question now recurred on the amendment reported by the Committee on Civil Service and Retrenchment, as amended.

Mr. MERRIMON offered an amendment to the House bill, as amended, to insert after the word "mileage" the words "and other allowances." Agreed to.

January 12—Mr. GORDON asked and received unanimous consent to withdraw the amendment heretofore offered by him, and substitute an amendment, viz: to add to the first section of the amended House bill the following:

Provided, That from and after this date the salaries of all commissioned officers of the Army and of the Navy, whose salaries have been increased since the war, and whose pay and allowances aggregate $3,500 or more, and between that sum and $5,000, shall be, and the same are hereby, reduced 10 per cent: *Provided further*, That the pay, including all allowances except mileage as now fixed by law, of brigadier general, of Paymaster General, of Surgeon General, of Inspector General, of Quartermaster General, of Commissary General, of Adjutant General, and of a commodore of the Navy, shall not exceed during peace the sum of $5,000 per annum: *Provided further*, That the pay, including all allowances except mileage as now fixed by law, of major general and of rear-admiral of the Navy during peace shall not exceed $6,000 per annum: *Provided further*, That the pay, including all allowances except mileage as now fixed by law, of a Lieutenant General of the Army or of a Vice Admiral of the Navy shall not exceed during peace the sum of $7,000 per annum: *Provided further*, That the pay, including all allowances, of the General of the Army and of an Admiral of the Navy shall not during peace exceed $10,000 per annum: *Provided further*, That the salary of the President of the United States shall be $25,000 per annum after the 3d day of March, 1877, and that the appropriations made for the expenses of the Presidential Mansion shall be, for each of the years 1873, 1874, 1875, and 1876, less than the average amount so appropriated for each of the four years preceding the 4th day of March, 1873, by the sum of $25,000.

Mr. EDMUNDS moved to amend Mr. GORDON'S amendment by striking out all the words of it preceding and down to the clause commencing "Provided, further, that the salary of the President," &c. Agreed to—yeas 29, nays 21:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Carpenter, Chandler, Conkling, Crozier, Edmunds, FENTON, Ferry of Michigan, Frelinghuysen, Hamlin, Howe, Ingalls, Lewis, Logan, Mitchell, Morrill of Vermont, Morton, Ogelsby, Pratt, Ramsey, Scott, Sherman, Spencer, West, Windom, Wright—29.

NAYS—Messrs. *Bayard*, *Bogy*, Brownlow, Cameron, Clayton, *Davis*, Flanagan, *Goldthwaite*, *Gordon*, *Hamilton* of Maryland, *Kelly*, *McCreery*, *Merrimon*, *Norwood*, J. J. Patterson, Robertson, Sargent, *Stevenson*, *Stockton*, SUMNER, TIPTON—21.

Pending the consideration of Mr. GORDON'S amendment as amended—

Mr. EDMUNDS moved that the bill be reported

to the Senate with amendments; which was agreed to—yeas 24, nays 19.

The bill was accordingly reported to the Senate.

Mr. MERRIMON moved to amend Mr. GORDON's amendment by striking out the words "that the salary of the President of the United States shall be $25,000 per annum after the 3d day of March, 1877," so that it would read:

Provided further, That the apppropriations made for the expenses of the Presidential Mansion shall be, for each of the years 1873, 1874, 1875, and 1876, less than the average amount so appropriated for each of the four years preceding the 4th of March, 1873, by the sum of $25,000.

Mr. MERRIMON's amendment to Mr. GORDON's amendment was rejected.

Mr. ROBERTSON moved to strike out all after "1877" in Mr. GORDON's amendment, so that it would read:

Provided further, That the salary of the President of the United States shall be $25,000 per annum after the 3d of March, 1877.

Mr. ROBERTSON's motion was agreed to—yeas 47, nays, 9, not voting 16:

YEAS—Messrs. Allison, Anthony, *Bayard*, Boutwell, Buckingham, Cameron, Carpenter, Chandler, Clayton, Conkling, Conover, Crozier, Edmunds, FENTON, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, *Hamilton* of Maryland, Hamlin, Hitchcock, Howe, Ingalls, Lewis, Logan, *McCreery*, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, J. J. Patterson, Pratt, Ramsey, Robertson, Sargent, *Saulsbury*, SCHURZ, Scott, Sherman, Spencer, *Stevenson*, *Stockton*, Wadleigh, West, Windom, Wright—47.

NAYS—Messrs. *Bogy*, Brownlow, *Davis*, *Goldthwaite*, *Gordon*, *Merrimon*, *Norwood*, Sprague, TIPTON—9.

Mr. GORDON's amendment as amended, viz:

Provided further, That the salary of the President of the United States shall be $25,000 per annum after the 3d day of March, 1877,

Was then rejected—yeas 18, nays 38, not voting 16:

YEAS—Messrs. Allison, *Bogy*, Clayton, *Davis*, *Dennis*, FENTON, *Goldthwaite*, *Gordon*, *Hamilton* of Maryland, *Kelly*, *McCreery*, *Norwood*, Oglesby, *Saulsbury*, SCHURZ, *Stevenson*, TIPTON, Wadleigh—18.

NAYS—Messrs. Anthony, *Bayard*, Boreman, Boutwell, Brownlow, Buckingham, Cameron, Carpenter, Chandler, Conkling, Conover, Crozier, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Hitchcock, Howe, Ingalls, Logan, *Merrimon*, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, J. J. Patterson, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Spencer, *Stockton*, West, Windom, Wright—38.

The question being upon the amendment of the committee as amended in the Senate—

Mr. CONKLING moved to strike out all of the amendment of the Committee of the Whole, viz:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the salaries of the President, Vice President, members of Congress, and Delegates, and all other officers therein named, be, and the same is hereby, repealed; and the salaries and compensation of all said officers and clerks of every name and description shall be and remain as fixed by the laws in force at the time of the passage of the act the provisions of which are hereby repealed: *Provided*, That this repeal, so far as it relates to the salary of the President, shall not take effect until the 4th day of March, 1877, on and after which date said repeal, as to the salary of said officer, shall have full force and effect, and as to all other officers from and after the taking effect of this act: *And provided further*, That this repeal shall not relate to or affect the salaries of the chief and other justices of the Supreme Court of the United States, as now established by law.

And to substitute in lieu thereof the following:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of public officers and employees, whether members of Congress, Delegates, or others, (except the President of the United States and the justices of the Supreme Court,) be, and the same is hereby, repealed; and the salaries, compensation, and allowances of all of said persons (except as aforesaid) shall be as fixed by the laws in force at the time of the passage of said act: *Provided*, That mileage shall not be allowed for the first session of the Forty-Third Congress; that all moneys appropriated as compensation to the members of the Forty-Second Congress, in excess of mileage and allowances fixed by law at the commencement of said Congress, and which shall not have been drawn by the members of said Congress respectively, or which, having been drawn, have been returned in any form to the United States, are hereby covered into the Treasury of the United States, and are declared to be the moneys of the United States absolutely, the same as if they had never been appropriated as aforesaid.

Mr. CONKLING's amendment was agreed to—yeas 37, nays 15, not voting 20, as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Cameron, Carpenter, Chandler, Conkling, Conover, Crozier, Edmunds, Ferry of Michigan, Frelinghuysen, Hitchcock, Howe, Ingalls, Logan, *McCreery*, *Merrimon*, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, J. J. Patterson, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, *Stockton*, Wadleigh, West, Windom, Wright—37.

NAYS—Messrs. *Bogy*, Brownlow, Clayton, FENTON, Flanagan, Gilbert, *Goldthwaite*, *Gordon*, *Hamilton* of Maryland, *Kelly*, Lewis, *Norwood*, SCHURZ, Sprague, TIPTON—15.

ABSENT—Messrs. Alcorn, Ames, *Bayard*, *Cooper*, Cragin, *Davis*, *Dennis*, Dorsey, Ferry of Connecticut, HAMILTON of Texas, Hamlin, *Johnston*, Jones, *Ransom*, *Saulsbury*, Spencer, *Stevenson*, Stewart, SUMNER, *Thurman*—20.

The question recurring upon substituting the amendment of the committee as amended for the House bill—

Mr. EDMUNDS moved to amend the amendment which had just been agreed to by adding the following words:

And the reduction of salaries of Senators and members of Congress and Delegates, herein provided for, shall take effect as of the 4th day of March, 1873; and the accounting officers of the Treasury shall compute the sum accordingly, and shall make ratable monthly deductions from said salaries at the rate necessary to effectuate this provision within nine months next hereafter.

Mr. EDMUNDS' amendment was rejected—yeas 8, nays 36.

Mr. HAMILTON of Maryland offered the following amendment, to come in at the end of the first section of the bill:

Provided, That from and after the 4th day of March, 1877, the compensation of the President of the United States shall be the same as that provided by law before the passage of the act aforesaid of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874."

Which was rejected—yeas 16, nays 43; not voting 13.

YEAS—Messrs. *Bogy*, Clayton, *Cooper*, *Davis*, FENTON, *Gordon*, *Hamilton* of Maryland, *Kelly*, *McCreery*, *Norwood*, Oglesby, *Saulsbury*, SCHURZ, *Stevenson*, TIPTON, and Wadleigh—16.

NAYS--Messrs. Allison, Anthony, *Bayard*, Boreman, Boutwell, Brownlow, Buckingham, Carpenter, Chandler, Conkling, Conover, Crozier, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, *Goldthwaite*, Hamlin, Hitchcock, Howe, Ingalls, Lewis, Logan, *Merrimon*, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, J. J. Patterson, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Spencer, Sprague, *Stockton*, West, Windom, and Wright—43.

Mr. ANTHONY moved to amend by inserting the following:

Provided, That the provisions of this act shall not be construed to reduce the salaries now provided by law for the Vice-President of the United States, for the Secretaries of State, of the Treasury, of War, of the Navy, of the Interior, and of the Attorney General and Postmaster General, or of any of the employees of the Senate or of the House of Representatives; or of any of the officers named in the third section of the act approved March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes."

Mr. DAVIS raised the point of order that Mr. ANTHONY'S amendment was inconsistent with that of Mr. CONKLING, which had been adopted by the Senate, but subsequently withdrew it.

Mr. ANTHONY'S amendment was rejected.

The question being upon the amended amendment of the committee to the House bill—

Mr. NORWOOD moved to amend by adding to the committee amendment as amended the following:

SEC. —. That the act approved January 31, 1873, repealing the franking privilege be and the same is hereby repealed.

The amendment to the amendment was rejected—yeas 19, nays 35.

The amendment of the committee as amended, viz: to strike out the first, second, and third sections of the House bill, as follows:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $5,000 per annum, payable monthly, and in addition thereto the mileage and other allowances allowed by law prior to the passage of the act of March 3, 1873, in going to and returning from the seat of Government once in each session, to be certified in writing by each: *Provided*, That mileage shall not be allowed or paid to Senators, Representatives, and Delegates for the first session of the Forty-Third Congress.

SEC. 2. That the compensation of the Speaker of the House of Representatives shall be at the rate of $2,000, in addition to his pay as Representative, amounting in all to $8,000; and that of the Vice President shall be the same amount, with the same allowance for travelling expenses as hereinbefore provided.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

And to insert the following:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of public officers and employees, whether members of Congress, Delegates, or others, (except the President of the United States and the justices of the Supreme Court,) be, and the same is hereby, repealed; and the salaries, compensation and allowances of all of said persons, except as aforesaid,) shall be as fixed by the laws in force at the time of the passage of said act: *Provided*, That mileage shall not be allowed for the first session of the Forty-Third Congress; that all moneys appropriated as compensation to the members of the Forty-Second Congress in excess of the mileage and allowances fixed by law at the commencement of said Congress, and which shall not have been drawn by the members of said Congress respectively, or which, having been drawn, have been returned in any form to the United States, are hereby covered into the Treasury of the United States, and are declared to be the moneys of the United States absolutely, the same as if they had never been appropriated as aforesaid,

Was then agreed to.

Mr. CONKLING moved to strike out the fourth section of the House bill, as follows:

SEC. 4. That the Secretary of the Treasury is required to cover into the Treasury all sums that may remain undrawn or which have been received as increased compensation under the provisions of said act approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

Agreed to.

The amendment made by the Senate was ordered to be engrossed, and the bill read a third time.

The bill then passed—yeas 50, nays 8, not voting 14:

YEAS—Messrs. Allison, Anthony, *Bayard*, *Bogy*, Boreman, Boutwell, Buckingham, Cam-

eron, Carpenter, Chandler, Clayton, Conkling, Crozier, *Davis*, Dorsey, Edmunds, FENTON, Ferry of Michigan, Frelinghuysen, *Goldthwaite*, *Hamilton* of Maryland, Hamlin, Hitchcock, Howe, Ingalls, Logan, *McCreery*, *Merrimon*, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, J. J. Patterson, Pratt, Ramsey, Robertson, Sargent, *Saulsbury*, SCHURZ, Scott, Sherman, Spencer, *Stevenson*, *Stockton*, SUMNER, Wadleigh, West, Windom, Wright—50.

NAYS—Messrs. Brownlow, Conover, Flanagan, *Gordon*, Lewis, *Norwood*, Sprague, TIPTON—8.

ABSENT—Messrs. Alcorn, Ames, *Cooper*, Cragin, *Dennis*, Ferry of Connecticut, Gilbert, HAMILTON of Texas, *Johnston*, Jones, *Kelly*, *Ransom*, Stewart, *Thurman*—14.

IN HOUSE.

January 13—Mr. HURLBUT moved that the House proceed to the consideration of business on the Speaker's table, in order to take up and act on the amendment of the Senate to the salary bill. Agreed to.

The Senate amendment was read, as follows: [See above.]

Mr. HALE of Maine called the previous question.

Mr. BUTLER of Massachusetts desired to offer an amendment; but Mr. HALE of Maine declined to permit it.

Mr. DAWES desired to offer an amendment; but Mr. HALE of Maine declined to allow him.

The call for the previous question was seconded and the main question ordered—yeas 126, nays 57.

Mr. HAYS moved that the House adjourn. Disagreed to—yeas 12, nays not counted.

The House concurred in the Senate amendment—yeas 225, nays 25, not voting 36:

YEAS—Messrs. Albright, *Archer*, *Arthur*, *Ashe*, *Atkins*, BANNING, Barber, *Barnum*, Bass, *J. B. Beck*, Begole, *H. P. Bell*, *Berry*, Biery, *Bland*, *Blount*, *Bowen*, Bradley, *Bright*, BROMBERG, *Brown*, *Buckner*, Buffinton, Bundy, Burchard, Burleigh, Burrows, B. F. Butler, R. R. Butler, Cain, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, Clayton, Clements, C. L. Cobb, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, Cotton, *Crittenden*, Crooke, Crounse, Crutchfield, Curtis, Danford, *A. M. Davis*, Dawes, *De Witt*, Dobbins, Donnan, Dunnell, *Durham*, Eames, *Eden*, Elliott, Farwell, Field, Fort, C. Foster, Frye, Garfield, *Giddings*, *Glover*, Gooch, Gunckel, E. Hale, R. S. Hale, *Hamilton*, *Hancock*, Harmer, B. W. Harris, *H. R. Harris*, Harrison, *Hatcher*, Hathorn, Havens, J. B. Hawley, J. R. Hawley, G. W. Hazelton, J. W. Hazelton, Hendee, *Hereford*, *Herndon*, Hersey, E. R. Hoar, G. F. Hoar, *Holman*, Hoskins, Houghton, Howe, Hubbell, Hunter, *Hunton*, Hurlbut, Hyde, Kasson, Killinger, *Knapp*, Lamport, Lansing, Lawrence, Lawson, *Leach*, Lewis, Loughridge, Lowe, *Luttrell*, J. R. Lynch, *Magee*, *Marshall*, Martin, McCrary, A. S. McDill, J. W. McDill, MacDougall, McKee, McNulta, Mellish, Merriam, *Milliken*, *Mills*, *Mitchell*, Monroe, W. S. Moore, *Morrison*, L. Myers, *Neal*, *Nesmith*, *W. E. Niblack*, Niles, Nunn, *O'Brien*, O'Neill, Orr, Orth, Packard, Packer, Page, *H. W. Parker*, I. C. Parker, Parsons, Pelham, Pendleton, *Perry*, Phelps, Pierce, T. C. Platt, Poland, *Potter*, Pratt, Purman, Rainey, Rapier, *Rawls*, *Read*, J. B. Rice, Richmond, *Robbins*, E. H. Roberts, J. W. Robinson, Ross, Rusk, Sawyer, H. B. Sayler, *M. Sayler*, *J. G. Schumaker*, Scofield, I. W. Scudder, Sener, Sessions, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, Small, Smart, A. H. Smith, H. B. Smith, J. A. Smith, J. Q. Smith, W. A. Smith, *Southard*, Sprague, Stanard, Starkweather, *Stone*, Strait, Strawbridge, *Swann*, Thornburgh, W. Townsend, Tyner, *Vance*, Waldron, Wallace, Walls, J. D. Ward, M. L. Ward, *Wells*, Wheeler, *Whitehead*, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, G. Willard, C. G. Williams, J. M. S. Williams, W. B. Williams, *Willie*, *E. K. Wilson*, J. Wilson, *Wolfe*, *Wood*, Woodford, Woodworth, *J. D. Young*, *P. M. B. Young*—225.

NAYS—Messrs. Albert, Averill, Barry, *Clymer*, *Cox*, *Crossland*, Hays, HYNES, Kelley, *Kendall*, *Lamison*, Morey, Negley, J. H. Platt, *Randall*, Shanks, *Sloss*, *Standeford*, *Storm*, Stowell, Todd, *Waddell*, White, Whiteley, Williams of Indiana—25.

NOT VOTING—Messrs. *Adams*, Barrere, F. Clarke, *Creamer*, Crocker, Darrell, Duell, *Eldredge*, Freeman, *J. T. Harris*, Hooper, *Jewett*, Kellogg, *Lamar*, Lofland, Lowndes, Maynard, McJunkin, *McLean*, Phillips, Pike, Ransier, Ray, *W. R. Roberts*, *J. C. Robinson*, H. J. Scudder, G. L. Smith, Snyder, *Speer*, *A. H. Stephens*, St. John, Sypher, Taylor, C. R. Thomas, Tremain, J. M. Wilson—36.

Mr. BUTLER of Massachusetts moved to reconsider.

Mr. HALE of Maine moved to reconsider the vote by which the Senate amendment was concurred in; and also to lay the motion to reconsider on the table.

The SPEAKER recognized Mr. HALE.

And the motion to reconsider was laid on the table.

January 22—A message was received from the PRESIDENT announcing that he had approved and signed an act (H. R. No. 793) repealing the increase of salaries of members of Congress and other officers.

Statement of Compensation and Mileage drawn by U. S. Senators under the various Compensation Acts.

Mr. Gorham, Secretary of the Senate, prepared, under date of January 3, 1874, a statement, in answer to a resolution of the Senate, covering these points:

I.—*The several rates of compensation fixed by various laws, and the cases in which the same were retroactive, and for what length of time.*

1. By the act of September 22, 1789, the compensation of Senators and Representatives in Congress was fixed at six dollars a day, and thirty cents a mile for traveling to and from the seat of Government. This rate was to continue until March 4, 1795. The same act fixed the compensation from March 4, 1795, to March 4, 1796, (at which last-named date, by its terms, it expired,) at seven dollars a day, and thirty-five cents a mile for travel. This act was retroac-

tive, extending back six months and eighteen days, namely, to March 4, 1789.

2. The act of March 10, 1796, fixed the compensation at six dollars a day, and thirty cents a mile for travel. (This act extended back over six days only.)

3. The act of March 19, 1816, fixed the compensation at $1,500 a year, "instead of the daily compensation," and left the mileage unchanged. This act was retroactive, extending back one year and fifteen days, namely, to March 4, 1815. (This act was repealed by the act of February 6, 1817, but it was expressly declared that no former act was thereby revived.)

4. The act of January 22, 1818, fixed the compensation at eight dollars a day, and forty cents a mile for travel. This act was retroactive, extending back fifty-three days, namely, to the assembling of Congress, December 1, 1817.

5. The act of August 16, 1856, fixed the compensation at $3,000 a year, and left the mileage unchanged. This act was retroactive, extending back one year, five months, and twelve days, namely, to March 4, 1855.

6. The act of July 28, 1866, fixed the compensation at $5,000 a year, and twenty cents a mile for travel, (not to affect mileage accounts already accrued.) This act was retroactive, extending back one year, four months, and twenty-four days, namely, to March 4, 1865.

7. The act of March 3, 1873, fixed the compensation at $7,500 a year, and actual traveling expenses; the mileage already paid for the Forty-Second Congress to be deducted from the pay of those who had received it. This act was retroactive, extending back two years, namely, to March 4, 1871.

NOTE.—Stationery was allowed to Senators and Representatives without any special limit until March 3, 1868, when the amount for stationery and newspapers for each Senator and Member was limited to $125 a session. This was changed by a subsequent act, taking effect July 1, 1869, to $125 a year. The act of 1873 abolished all allowance for stationery and newspapers.

II.—*Names of Senators who drew pay under the retroactive provisions of the several laws, amounts drawn, and dates of same.*

ACT OF 1789.—The records of my office do not furnish the exact information desired under this head concerning the First Congress, the compensation of which was fixed by act of September 22, 1789. It appears, however, that the account of each Senator was made up, and that each received the amount allowed by law. The following is a copy from the record:

January 19, 1790.—That there is due to the Senators of the United States for attendance in Congress the present session, to the 31st day of March inclusive, and expenses of travel to Congress, as allowed by law, as follows, to wit:

Messrs. Richard Basset, $496 50; Pierce Butler, $796; Charles Carroll, $186; Tristram Dalton, $612; Oliver Ellsworth, $546 50; Jonathan Elmer, $414; William Few, $833 50; John Henry, $596 50; Benjamin Hawkins, $615; William S. Johnson, $544; Samuel Johnson, $534; Rufus King, $522; John Langdon, $618; William Maclay, $585; Robert Morris, $430 50; William Paterson, $514 50; George Read, $195; Caleb Strong, $575 50; Philip Schuyler, $571 50; Paine Wingate, $616 50.

ACT OF 1816.—The records contain no showing as to the amount paid to Senators under the retroactive provision of the act of March 19, 1816. The following, taken from the books, shows the amount of compensation paid to each Senator for the entire Congress, exclusive of mileage:

Messrs. Eli P. Ashmun, $920; James Barbour, $2,850; William T. Barry, $2,080; William W. Bibb, $2,070; James Brown, $2,980; George W. Campbell, $2,950; Dudley Chace, $3,000; John Condit, $2,980: David Daggett, $3,000; Samuel W. Dana, $2,640; Elegius Fromentin, $3,000; John Gaillard, President, $6,000; Robert H. Goldsborough, $2,840; Christopher Gore, $1,940; Alexander Contee Hanson, $530; Martin D. Hardin, $900; Robert G. Harper, $1,450; Outerbridge Horsey, $3 000; Jeremiah B. Howell, $3,000; William Hunter, $2,930; Rufus King, $2,660; Abner Lacock, $3,000; Nathaniel Macon, $2,946; Jeremiah Mason of New Hampshire, $2,680; Armistead T. Mason of Virginia, $2,360; Jeremiah Morrow, $3,000; James Noble, $920; Jonathan Roberts, $3,000; Benjamin Ruggles, $3,000; Nathan Sanford, $2,720; William Smith, $540; Montfort Stokes, $810; Charles Tait, $3,000; Isham Talbot, $2,730; John Taylor of South Carolina, $1,990; Waller Taylor of Indiana, $920; Thomas W. Thompson, $2,850; Isaac Tichenor, $3,000; George M. Troup, $830; James Turner, $2,060; Joseph B. Varnum, $3,000; William H. Wells, $2,610; John Williams, $3,000; James J. Wilson, $3,000.

ACT OF 1818.—Under the retroactive provision of the act of January 22, 1818, the following named Senators drew the amounts for compensation and mileage opposite their respective names:

Messrs. Eli P. Ashmun, $668; James Barbour, $520; James Burril, $772; George W. Campbell, $1,008; John J. Crittenden, $1,007 20: David Daggett, $690 40; Samuel W. Dana, $283 20; Mahlon Dickerson, $628 80; John W. Eppes, $584; James Fisk, $848; Elegius Fromentin, $1,393 60; John Gaillard, $880; Robert H. Goldsborough, 483 20; Outerbridge Horsey, $485 60; William Hunter, $543 20; Henry Johnson, $1,273 60; Rufus King, $627 20; Abner Lacock, $649 60; Walter Leake, $1,384; Nathaniel Macon, $600; David L. Morril, $876; Jeremiah Morrow, $776; James Noble, $918 40; Harrison Gray Otis, $792 80; Jonathan Roberts, $564 80; Benjamin Ruggles, $688; Nathan Sanford, $616; William Smith, $771 40; Montfort Stokes, $745 60; Clement Storer, $875 20; Charles Tait, $952; Isham Talbot, $872; Waller Taylor, $1,080; Isaac Tichenor, $784: George M. Troup, $952; —— Van Dyke, $380 80; Thomas H. Williams of Mississippi, $1,433 60; John Williams of Tennessee, $861 60; James J. Wilson, $568.

ACT OF 1856.—Under the retroactive provision of the act of August 16, 1856, the following named Senators drew the amounts opposite their respective names:

Messrs. Stephen Adams, $2,243 77; Philip Al-

len, $2,202 79; James A. Bayard, $2,088 03; James Bell, $1,083 93; John Bell, $2,268 36; J. P. Benjamin, $2,210 99; Asa Biggs, $2,161 81; William Bigler, $1,594 24; Jesse D. Bright, president *pro tempore*, $6,772 40; R. Brodhead, $2,251 97; A. G. Brown, $2,251 97; A. P. Butler, $2,202 79; Lewis Cass, $2,251 97; C. C. Clay, jr., $2,251 97; J. M. Clayton, $2,292 95; J. Collamer, $2,219 18; J. J. Crittenden, $2,243 70; H. Dodge, $2,292 95; S. A. Douglas, $2,268 36; C. Durkee, $2,235 56; J. J. Evans, $2,121 70; W. P. Fessenden, $2,276 56; H. Fish, $2,237 28; B. Fitzpatrick, $2,194 59; S. Foot, $2,292 95; L. F. S. Foster, $2,112 62; H. S. Geyer, $2,276 56; J. P. Hale, $887 19; H. Hamlin, $1,989 68; J. Harlan, $2,268 36; S. Houston, $2,292 95; R. M. T. Hunter, $2,210 99; A. Iverson, $2,210 99; C. T. James, $2,210 99; R. W. Johnson, $632 21; G. W. Jones, $2,235 58; J. C. Jones, $2,047 05; S. R. Mallory, $2,276 56; J. M. Mason, $2,170; J. A. Pearce, $2,194 59; T. G. Pratt, $2,129 02; G. E. Pugh, $2,096 21; D. S. Reid, $2,235 58; T. J. Rusk, $2,292 95; W. K. Sebastian, $2,137 22; W. H. Seward, $2,292 95; John Slidell, $2,276 56; C. E. Stuart, $2,292 95; C. Sumner, $2,292 95; J. B. Thompson, $2,235 57; John R. Thomson, $2,022 46; Robert Toombs, $2,006 07; Isaac Toucey, $2,292 65; L. Trumbull, $2,251 97; B. F. Wade, $2,202 79; J. B. Weller, $2,251 97; H. Wilson, $2,178 20; W. Wright, $2,120 82; D. L. Yulee, $2,194 59.

ACT OF 1866.—Under the retroactive provision of the act of July 28, 1866, the following named Senators received the amounts opposite their respective names:

Messrs. H. B. Anthony, $2,805 56; B. Gratz Brown, $2,805 56; C. R. Buckalew, $2,805 56; Z. Chandler, $2,805 56; D. Clark, $2,805 56; J. Collamer, $1,366 15; J. Conness, $2,805 56; E. Cowan, $2,805 56; A. H. Cragin, $2,805 56; J. A. J. Creswell, $2,805 56; G. Davis, $2,805 56; J. Dixon, $2,805 56; J. R. Doolittle, $2,805 56; W. P. Fessenden, $2,805 56; S. Foot, $2,136 76; L. F. S. Foster, President *pro tempore*, $261 93; J. W. Grimes, $2,805 56; J. Guthrie, $2,805 56; I. Harris, $2,805 56; J. B. Henderson, $2,805 56; T. A. Hendricks, $2,805 56; J. M. Howard, $2,805 56; T. O. Howe, $2,805 56; R. Johnson, $2,805 56; H. S. Lane, $2,805 56; J. H. Lane, $2,710 49; James A. McDougall, $2,805 56; E. D. Morgan, $2,805 56; L. M. Morrill, $2,805 56; J. W. Nesmith, $2,805 56; D. S. Norton, $2,805 56; J. W. Nye, $2,805 56; S. C. Pomeroy, $2,805 56; A. Ramsey, $2,805 56; G. R. Riddle, $2,805 56; W. Saulsbury, $2,805 56; J. Sherman, $2,805 56; W. M. Stewart, $2,805 56; C. Sumner, $2,805 56; L. Trumbull, $2,805 56; P. G. Van Winkle, $2,805 56; B. F. Wade, $2,805 56; W. T. Willey, $2,805 56; G. H. Williams, $2,805 56; H. Wilson, $2,805 56; W. Wright, $2,805 56; R. Yates, $2,805 56; J. Harlan, $350; L. P. Poland, $1,361; John P. Stockton, $2,131 20; S. J. Kirkwood, $2,361 10; G. F. Edmunds, $666 66; E. G. Ross, $180 40.

ACT OF 1873.—Under the retroactive provision of the act of March 3, 1873, the following named Senators received the sums set opposite their respective names:

Messrs. A. Ames, $2,840; J. L. Alcorn, $2,312 39; T. F. Bayard, $4,865 60; F. P. Blair, $3,761 60; A. I. Boreman, $4,514; W. G. Brownlow, $4,588; A. Caldwell, $2,647 60; S. Cameron, $4,856; M. H. Carpenter, $3,887 60; E. Casserly, $970 40; Z. Chandler, $3,906 80; P. Clayton, $2,600; C Cole, $970 40; H. Cooper, $3,760; H. G. Davis, $4,635 20; O. S. Ferry, $4,052; T. W Ferry, $3,920; J. W. Flanagan, $2,000; A. Gilbert, $3,680; George Goldthwaite, $3,924 80; M. C. Hamilton, $2,480; Joshua Hill, $4,083 20; P. W. Hitchcock, $2,852 80; T. O. Howe, $3,689 60; J. W. Johnston, $4,705 60; John F. Lewis, $4,804 40; John A. Logan, $3,800; W. B. Machen, $552 98; L. M. Morrill, $4,190; J. S. Morrill, (draft in favor of the treasurer of the State of Vermont,) $4,386 80; T. M. Norwood, $4,169 60; J. W. Nye, $2,076 80; T. W. Osborn, $3,440; J. W. Patterson, $4,280; S. C. Pomeroy, $3,320; John Pool, $4 620 80; M. W. Ransom, $4,817 60; B. F. Rice, $3,200; T. J. Robertson, $4,374 80; F. A. Sawyer, $4,294 40; George E. Spencer, $4,106; W. Sprague, $4,508; W. M. Stewart, $1,486 40; J. P. Stockton, $4,790; T. W. Tipton, $3,358; Lyman Trumbull, $3,980; G. Vickers, $4,880; J. R. West, $2,468 80.

III.—*Names of Senators who covered into the Treasury amounts due them under retroactive provisions of law, with date of such action.*

There is no record in my office showing that any Senator covered into the Treasury any money to which he was entitled by the retroactive provisions of either of the acts of September 22, 1789, March 19, 1816, January 22, 1818, August 16, 1856, or July 28, 1866.

The following Senators covered into the Treasury the amounts due them under the retroactive provision of the act of March 3, 1873, namely:

1873.—May 26, H. B. Anthony, $4,497 20; June 23, W. A. Buckingham, $4 553 60; May 21, R. E. Fenton, $4,184; June 2, F. T. Frelinghuysen, $4,644 80; May 19, H. Hamlin, $4,136; August 14, O. P. Morton, $3,922 40; April 9, D. D. Pratt, $4,121 60; August 25, A. Ramsey, $3,041 40; March 28, C. Schurz, $3,761 60; May 9, John Scott, $4,733 06; July 11, John Sherman, $4,336 40; May 2, C. Sumner, $4,445 60; May 22, A. G. Thurman, $4,359 20; March 28, Henry Wilson, $4,448; September 6, George G. Wright, $3,140 80.

NOTE.—Several of these Senators, as well as others who have not either drawn or covered into the Treasury the amounts due them under the retroactive provision of the act of 1873, expressed to me their intention to allow the money to lapse into the Treasury by the ordinary operation of law, which they supposed would occur July 1, 1873. After learning that it could not be covered in, except by their order, before July 1, 1875, some gave me written instructions to anticipate the latter date. I am unable to furnish from any information in my office the names of Senators who themselves paid into the Treasury salary drawn under the act of 1873 or previous acts. I have not furnished the names of Senators who have left increased salary undrawn, as this information was not called for in the resolution.

IV.—*A comparative statement.*

Total compensation and allowance of Senators, under act of July 28, 1866, from March 4, 1871,

to March 3, 1872: Compensation, $370,000; mileage, $37,041 20; stationery and newspapers, $9,250; total, $416,291 20; average per Senator, $5,625 55$\frac{5}{37}$.

Under same act, from March 4, 1872, to March 3, 1873, during which year members of the Senate received mileage for attending the special session of the Senate, held in May, 1872, the following amounts were paid: Compensation, $370,000; mileage, $59,002 80; newspapers and stationery, $9,250; total, $438,252 80; average per Senator, $5,922 33$\frac{12}{37}$.

Total compensation and allowance of Senators under act of March 3, 1873: Compensation, $555,000; traveling expenses, based upon the certificates of forty-six Senators, (twenty-eight having presented none,) amounting to $4,607 95, giving an average of $100 17×74=$7,412 58; total, $562,412 58; average per Senator, $7,600 17.

Mileage paid to Senators in Thirty-Ninth and Forty-Second Congresses.

In connection with this, the following statements, prepared by the Secretary of the Senate, and laid before that body by Senator CAMERON, January 9, 1874, of the amounts of mileage paid in dollars (cents omitted) at particular dates under the acts of 1856 and 1866, are given. The act of 1856 fixed mileage at forty cents per mile each way, and the act of 1866 fixed it at twenty cents per mile each way:

ACT OF 1856—FIRST SESSION, THIRTY-NINTH CONGRESS, DECEMBER, 1865.

CALIFORNIA—Conness, 13,906 miles, $5,562; McDougall, 13,706 miles, $5,482. CONNECTICUT—Dixon, 700 miles, $280; Foster, 750 miles, $300. DELAWARE—Riddle, 220 miles, $88; Saulsbury, 400 miles, $160. ILLINOIS—Trumbull, 3,100 miles, $1,240; Yates, 3,368 miles, $1,347. INDIANA—Hendricks, 2,516 miles, $1,006; Lane, 2,616 miles, $1,046. IOWA—Grimes, 3,960 miles, $1,584; Kirkwood, 4,016 miles, $1,606. KANSAS—Lane, 5,400 miles, $2,160; Pomeroy, 5,400 miles, $2,160. KENTUCKY—Davis, 1,644 miles, $657; Guthrie, 1,098 miles, $439. MAINE—Fessenden, 1,230 miles, $492; Morrill, 1,350 miles, $540. MARYLAND—Creswell, 200 miles, $80; Johnson, 84 miles, $33. MASSACHUSETTS—Sumner, 924 miles, $369; Wilson, 924 miles, $369. MICHIGAN—Chandler, 2,162 miles, $864; Howard, 2,274 miles, $909. MINNESOTA—Norton, 4,660 miles, $1,864; Ramsey, 4,760 miles, $1,904. MISSOURI—Henderson, 2,474 miles, $989; Brown, 2,474 miles, $989. NEVADA—Nye, 14,056 miles, $5,622; Stewart, 14,056 miles, $5,622. NEW HAMPSHIRE—Clark, 1,028 miles, $411; Cragin, 1,192 miles, $476. NEW JERSEY—Wright, 460 miles, $184; Stockton, 360 miles, $144. NEW YORK—Harris, 780 miles, $312; Morgan, 464 miles, $185. OHIO—Sherman, 1,326 miles, $530; Wade, 1,194 miles, $477. OREGON—Nesmith, 14,920 miles, $5,968; Williams, 14,920 miles, $5,968. PENNSYLVANIA—Buckalew, 416 miles, $166; Cowan, 688 miles, $275. RHODE ISLAND—Anthony, 900 miles, $360; Sprague, 900 miles, $360. TENNESSEE—Patterson, 874 miles, $349, Fowler, 2,000 miles, $800. VERMONT—Foot, 1,000 miles, $400; Poland, 1,200 miles, $480. WEST VIRGINIA—Van Winkle, 814 miles, $325; Willey, 688 miles, $275. WISCONSIN—Doolittle, 2,860 miles, $1,144; Howe, 3,210 miles, $1,284.

ACT OF 1866—SECOND SESSION, FORTY SECOND CONGRESS, DECEMBER, 1871.

ALABAMA—Goldthwaite, 1,792 miles, $358; Spencer, 1,490 miles, $298. ARKANSAS—Clayton, 3,000 miles, $600; Rice, 3,000 miles, $600. CALIFORNIA—Cas erly, 6,716 miles, $1,343; Cole, 6 716 miles, $1,343. CONNECTICUT—Buckingham, 744 miles, $148; Ferry, 580 miles, $116. DELAWARE—Bayard, 224 miles, $44; Saulsbury, 318 miles, $63. FLORIDA—Gilbert, 2,200 miles, $440; Osborn, 2,600 miles, $520. GEORGIA—Hill, 1,528 miles, $305; Norwood, 1,384 miles, $276. ILLINOIS—Logan, 2,000 miles, $400; Trumbull, 1,700 miles, $340. INDIANA—Morton, 1,796 miles, $359; Pratt, 1,464 miles, $292. IOWA—Harlan, 2,556 miles, $511; Wright, 2,324 miles, $464. KANSAS—Caldwell, 2,928 miles, $585; Pomeroy, 2,800 miles, $560. KENTUCKY—Davis, 1,644 miles, $328; Stevenson, 1,564 miles, $312. LOUISIANA—Kellogg, 3,486 miles, $697; West, 3,164 miles, $632. MAINE—Hamlin, 1,440 miles, $288; Morrill, 1,350 miles, $270. MARYLAND—Hamilton, 250 miles, $50; Vickers, 200 miles, $40. MASSACHUSETTS—Sumner, 912 miles, $184; Wilson, 920 miles, $184. MICHIGAN—Chandler, 1,822 miles, $364; Ferry, 1,800 miles, $360. MINNESOTA—Ramsey, 3,264 miles, $652; Windom, 3,094 miles, $618. MISSISSIPPI—Ames, 3,600 miles, $720; Alcorn, 2,100 miles, $420. MISSOURI—Blair, 2,064 miles, $412; Schurz, 2,064 miles, $412. NEBRASKA—Hitchcock, 2,684 miles, $536; Tipton, 2,736 miles, $547. NEVADA—Nye, 4,872 miles, $974; Stewart, 5,856 miles, $1,171. NEW HAMPSHIRE—Cragin, 1,192 miles, $238; Patterson, 1,200 miles, $240. NEW JERSEY—Frelinghuysen, 444 miles, $88; Stockton, 350 miles, $70. NEW YORK—Conkling, 956 miles, $191; Fenton, 1,360 miles, $272. NORTH CAROLINA—Pool, 632 miles, $126; Ransom, 456 miles, $91. OHIO—Sherman, 1,106 miles, $221; Thurman, 1,068 miles, $213. OREGON—Corbett, 8,116 miles, $1,623; Kelly, 8,116 miles, $1,623. PENNSYLVANIA—Cameron, 240 miles, $48; Scott, 444 miles, $88. RHODE ISLAND—Anthony, 838 miles, $167; Sprague, 820 miles, $164. SOUTH CAROLINA—Robertson, 1,042 miles, $208; Sawyer, 1,176 miles, $235. TENNESSEE—Brownlow, 1,030 miles, $206; Cooper, 1,550 miles, $310. TEXAS—Flanagan, 5,000 miles, $1,000; Hamilton, 4 200 miles, $840. VERMONT—Edmunds, 1,070 miles, $214; Morrill, 1,022 miles, $204. VIRGINIA—Johnson, 736 miles, $147; Lewis, 326 miles, $65. WEST VIRGINIA—Boreman, 810 miles, $162; Davis, 456 miles, $91. WISCONSIN—Carpenter, 1,854 miles, $370; Howe, 2,184 miles, $436.

The act of 1873 abolished *all* mileage allowances, and substituted for them an allowance of "actual traveling expenses." The act of 1874, repealing the act of 1873, restored the former mileage allowance of twenty cents per mile, which existed prior to 1873.

Mileage to Representatives in Forty-Second Congress.

The following statements show the mileage

paid to Representatives and Delegates during the Forty Second Congress, (under act of 1866,) at twenty cents mileage each way, (cents omitted.) Those who were not members of the Forty-First Congress received mileage for each of the three sessions of that Congress. The re-elected members received mileage for but two sessions.

E. L. Acker, $188; G. M. Adams, $714; J. A. Ambler, $355; O. Ames, $392; S. Archer, $56; W. E Arthur, $734; J. T. Averill, $1,599; M. K. Armstrong, $1,740; *A. Boarman, $649; *E. W. Beck, $304; †T. Boles, $974; N. P. Banks, $108; J. A. Barber, $1,244; H. W. Barry, $968; J. Beatty, $469; J. B. Beck, $568; J. S. Bigby, $930; B. T. Biggs, $104; J. A. Bingham, $360; J. T. Bird, $160; A. Blair, $568; J. G. Blair, $1,350; E. M. Braxton, $72; J. Brooks, $188; J. M. Bright, $876; *G. M. Brooks, $184; C. W. Buckley, $687; J. Buffinton, $329; H. C. Burchard, $770; S. S. Burdett, $1,040; B. F. Butler, $396; R. R. Butler, $315; J. G. Blaine, $516; S. N. Bell, $621; W. H. Barnum, $296; †J. L. Beveridge, $682; *F. C. Bunnell, $132; W. T. Clark, $736; R. P. Caldwell, $1,104; L. D Campbell, $763; J. M. Carroll, $520; F. Clarke, $471; C. L. Cobb, $240; J. Coburn, $563; A. Comingo, $1,620; O. D. Conger, $612; †A. Crocker, $360; A. R. Cotton, $1,178; S. S. Cox, $188; J. M. Crebs, $869; †J. V. Creely, $112; J. Critcher, $120; E. Crossland, $1,382; J. B. Chaffee, $2,384; W. H. Claggett, $2,356; J. C. Conner, $1,792; J. M. Coghlan, $2,536; C. B. Darrall, $1,317; J. J. Davis, $398; H L. Dawes, $345; R. C. De Large, $698; O. J. Dickey, $130; W. C. Donnan, $1,320; P. M. Dox, $570; D. M. DuBose, $883; R. H. Duell, $664; R. T. W. Duke, $93; M. H. Dunnell, $1,518; *O. J. Dodds, $244; B. F. Eames, $518; C. A. Eldredge, $815; R. B. Elliott, $688; S. Ely, jr., $282; †J. Edwards, $1,314; *C. C. Esty, $180; J. F. Farnsworth, $705; C. B. Farwell, $1,010; G. A. Finkelnburg, $825; S. C. Forker, $200; C. Foster, $756; H. D. Foster, $417; W. P. Frye, $739; W. D. Foster, $668; D. C. Giddings, $1,572; J. M. Gallegos, $1,939; J. A. Garfield, $452; A. E. Garrett, $1,008; J. L. Getz, $160; E. I. Golladay, $968; M. Goodrich, $660; S. Griffith, $566; S. Garfielde, $3,517; W. S. Herndon $1,900; S. O. Houghton, $2,636; J. Hancock, $1,664; R. J. Haldeman, $96; E. Hale, $593; G. A. Halsey, $264; S. Hambleton, $112; W. A. Handley, $1,000; J. M. Hanks, $1,436; A. C. Harmer, $117; J. C. Harper, $548; G. E. Harris, $764; J. T. Harris, $187; H. E. Havens, $1,608; J. B. Hawley, $817; *J. R. Hawley, $138; J. B. Hay, $771; C. Hays, $684; G. W. Hazelton, $1,191; J. W. Hazelton, $192; F. Hereford, $325; J. Hill, $208; G. F. Hoar, $340; W. S. Holman, $540; S. Hooper, $380; W. H. Hooper, $1,920; E. A. Hibbard, $655; W. T. Jones, $2,394; W. D. Kelley, $115; C. W. Kendall, $3,313; M. C. Kerr, $695; J. H. Ketcham, $252; J. W. Killinger, $180; A. King, $1,224; T. Kinsella, $282; S. W. Kellogg, $272; C. N. Lamison, $762; W. H. Lamport, $433; W. E. Lansing, $618; J. M. Leach, $429; J. H. Lewis, $709; D. P. Lowe, $1,584; J. Lynch, $464; ‡J. McCleery, $649; M. D. Manson, $990; S. S. Marshall, $796; H. Maynard, $409; W. McClelland, $511; J. R. McCormick, $893; G. W. McCrary, $872; J. C. McGrew, $233; H. D. McHenry, $1,230; A. T. McIntyre, $1,069; E. McJunkin, $516; G. C. McKee, $1,080; J. F. McKinney, $768; T. W. McNeely, $920; *U. Mercur, $146; C. L. Merriam, $627; W. M. Merrick, $42; B. F. Meyers, $326; A. Mitchell, $1,112; J. Monroe, $668; J. H. Moore, $750; F. Morey, $1,202; G. W. Morgan, $421; J. L. Morphis, $744; L. Myers, $112; R. C. McCormick, $3,480; S. A. Merritt, $3,678; J. S. Negley, $299; W. E. Niblack, $694; *S. L. Niblack, $1,075; J. Orr, $1,430; J. Packard, $720; J. B. Packer, $141; F. W. Palmer, $956; I. C. Parker, $1,690; E. D. Peck, $556; J. M. Pendleton, $458; L. W. Perce, $1,212; †A. F. Perry, $488; E. Perry, $462; J. A. Peters, $571; J. H. Platt, jr., $116; L. P. Poland, $446; C. H. Porter, $112; C. N. Potter, $204; W. P. Price, $680; E. H. Prindle, $626; H. W. Parker, $567; J. H. Rainey, $504; S. J. Randall, $112; W. B. Read, $1,104; E. Y. Rice, $1,110; J. M. Rice, $638; J. Ritchie, $100; E. H. Roberts, $573; W. R. Roberts, $282; J. C. Robinson, $1,174; J. Rogers, $770; †S. H. Rogers, $250; R. B. Roosevelt, $282; J. M. Rusk, $1,388; A. A. Sargent, $2,454; P. Sawyer, $829; G. W. Scofield, $320; J. E. Seeley, $409; W. L. Sessions, $536; J. P. C. Shanks, $574; L. A. Sheldon, $1,253; S. Shellabarger, $692; H. Sherwood, $426; F. E Shober, $300; L. D. Shoemaker, $360; J. H. Slater, $3,900; H. W. Slocum, $188; J. H. Sloss, $950; H. B. Smith, $355; J. A. Smith, $472; W. C. Smith, $494; O. P. Snyder, $1,906; R. M. Speer, $267; †T. J. Speer, $640; W. P. Sprague, $624; B. N. Stevens, $1,158; J. E. Stevenson, $488; J. B. Storm, $396; W. L. Stoughton, $602; W. H. H. Stowell, $288; C. St. John, $381; J. G. Sutherland, $958; T. Swann, $32; J. H. Sypher, $1,253; H. H. Starkweather, $300; *J. L. Strong, $138; † H. Snapp, $705; J. Taffe, $1,070; W. Terry, $375; C. R. Thomas, $422; D. Townsend, $288; W. Townsend, $132; B. S. Turner, $1,036; J. H. Tuthill, $384; G. Twichell, $380; J. N. Tyner, $663; W. H. Upson, $408 P. Van Trump, $416; W. W. Vaughan, $1,218; D. W. Voorhees, $640; A. M. Waddell, $450; S. Wakeman, $790; M. M. Walden, $1,424; H. Waldron, $840; A. S. Wallace, $384; J. T. Wallis, $1,220; J. M. Warren, $468; * W. B. Washburn, $163; E. Wells, $825; W. A. Wheeler, $517; R. H. Whiteley, $736; W. C. Whitthorne, $990; C. W. Willard, $447; W. Williams, (Indiana,) $586; W. Williams, (New York,) $814; J. M. Wilson, $856; J. T. Wilson, $503; B. Winchester, $651; F. Wood, $188; P. M. B. Young, 660.—Total, $196,557.

Traveling Allowances in Forty-Third Congress.

Following is a statement of the amount of actual expenses in dollars (cents omitted) paid to Representatives and Delegates of the Forty-Third Congress for attending the first session:

*One session.
†Two sessions.
‡Mr. McCleery died between the first and second sessions, and never qualified; but mileage for the first session and his pay from March 4, 1871, to November 5, 1871, (the date of his death,) were paid to his heirs at law, under a resolution of the House passed January 12, 1872.

W. J. Albert, $93; W. E. Arthur, $60; T. S. Ashe, $56; J. D. C. Atkins, $76; J. T. Averill, $112; M. K. Armstrong, $123; J. A. Barber, $68; W. H. Barnum, $51; G. Barrere, $86; H W. Barry, $126; L. K. Bass, $46; J. B Beck, $52; J. W. Begole, $54; H. P. Bell, $80; J. Berry, $44; J. S. Biery, $17; R. P. Bland, $82; J. H. Blount, $63; R. T. Bowen, $46; N. B. Bradley, $56; J. M. Bright, $92; F. G. Bromberg, $114; J. Y. Brown, $77; A. H. Buckner, $75; J. Buffinton, $35; H. S. Bundy, $30; J. H. Burleigh, $44; J. C. Burrows, $60; B. F. Butler, $70; R. R. Butler, $43; R. H. Cain, $59; J. H. Caldwell, $106; J. G. Cannon, $80; T. J. Cason, $54; A. Clark, jr., $18; J. B. Clark, jr., $97; F. Clarke, $48; C. Clayton, $428; I. Clements, $85; C. L Cobb, $26; S. A. Cobb, $102; J. Coburn. $48; A. Comingo, $97; O. D. Conger, $60; P. Cook, $89; A. R. Cotton, $68; S. S. Cox, $29; T. J. Creamer, $26; T. T. Crittenden, $94; A. Crocker, $63; P. S. Crooke, $19; E. Crossland, $100; L. Crounse, $130; W. Crutchfield, $66; C. B. Curtis, $27; G. Q. Cannon, $330; J. B. Chaffee, $220; L. Danford, $30; C. B. Darrall, $170; A. M. Davis, $44; H. L. Dawes, $20; D. M. De Witt, $45; S. A. Dobbins, $17; W. G. Donnan, $57; R. H. Duell, $62; M. H. Dunnell, $97; M. J. Durham, $45; B. T. Eames, $35; J. R. Eden, $56; C. A. Eldredge, $102; R. B. Elliott, $60; S. B. Elkins, $250; M. W. Field, $60; G. L. Fort, $74; C. Foster, $46; J. C. Freeman, $81; W. P. Frye, $72; J. A. Garfield, $49; D. W. C. Giddings, $188; J. M. Glover, $79; D. W. Gooch, $52; R. S. Hale, $79; R. Hamilton, $42; J. Hancock, $219; A. C. Harmer, $20; B. W. Harris, $40; H. R. Harris, $95; H. H. Harrison, $75; R. A. Hatcher, $91; H. E. Havens, $100; J. R. Hawley, $25; C. Hays, $121; G. W. Hazelton, $89; G. W. Hendee, $43; F. Hereford, $16; W. S. Herndon, $230; S. F. Hersey, $69; E. R. Hoar, $52; G. F. Hoar, $46; W. S. Holman, $45; S. Hooper, $62; G. G. Hoskins, $44; S. O. Houghton, $428; A. R. Howe, $118; J. A. Hubbell, $163; M. C. Hunter, $59; E. Hunton, $6; S. A. Hurlbut, $75; I. B. Hyde, $79; W. J. Hynes, $146; J. Hailey, $430; A. Hodges, $161; J. A. Kasson, $107; C. W. Kendall, $528; J. W. Killinger, $20; R. M. Knapp, $86; L. Q. C. Lamar, $110; W. E. Lansing, $52; J. D. Lawson, $23; J. M. Leach, $42; B. Lewis, $102; W. Loughridge, $96; D. P. Lowe, $94; J. K. Luttrell, $450; J. R. Lynch, $120; S. S. Marshall, $74; J. S. Martin, $68; H. Maynard, $45; G. W. McCrary, $83; A. S. McDill, $95; J. W. McDill, $103; C. D. McDougall, $63; E. McJunkin, $34; G. C. McKee, $122; W. P. McLean, $200; J. McNulta, $72; D. B. Mellish, $21; C. L. Merriam, $42; C. W Milliken, $77; R. Q. Mills, $174; J. Monroe, $40; W. S. Moore, $32; F. Morey, $166; W. R. Morrison, $80; L. Myers, $19; M. Maginnis, $692; D. B. McFadden, $679; L. T. Neal, $37; J. S. Negley, $28; J. W. Nesmith, $590; W. E. Niblack, $41; J. Niles, $116; D. A. Nunn, $96; J. Orr, $74; G. S. Orth, $51; J. Packard, $53; H. F. Page, $428; H. W. Parker, $58; I. C. Parker, $120; R. C. Parsons, $43; C. Pelham, $90; J. M. Pendleton, $33; E. Perry, $50; W. Walter Phelps, $25; H. L. Pierce, $42; A. F. Pike, $66; J. H. Platt, $23; T. C. Platt, $38; L. P. Poland, $100; C. N. Potter, $40; H. O. Pratt, $84; W. J. Purman, $176; J. H. Rainey, $96; S. J. Randall, $9; A. J. Ransier, $50; J. T. Rapier, $78; M. Rawls, $72; W. H. Ray, $86; W. B. Read, $70; J. B. Rice, $38; H. L. Richmond, $39; W. M. Robbins, $45; E. H. Roberts, $47; W. R. Roberts, $24; J. C. Robinson, $80; J. W. Robinson, $40; S. Ross, $36; J. M. Rusk, $111; H. B. Sayler, $50; J. G. Schumaker, $17; G. W. Scofield, $14; H. J. Scudder, $22; W. L. Sessions, $42; J. P. C. Shanks, $55; C. C. Sheats, $81; L. A. Sheldon, $116; I. R. Sherwood, $50; L. D. Shoemaker, $28; J. H. Sloss, $86; W. B. Small, $45; J. S. Smart, $48; A. H. Smith, $12; G. L. Smith, $200; J. Q. Smith, $40; W. A. Smith, $40; O. P. Snyder, $160; M. I. Southard, $35; W. P. Sprague, $40; E. O. Stanard, $70; E. D Standeford, $51; A. H. Stephens, $241; C. St. John, $27; W. H. Stone, $70; J. B. Storm, $27; W. H. H. Stowell, $68; H. B. Strait, $117; J. H. Sypher, $157; W. R. Steele, $220; A. W. Taylor, $24; C. R. Thomas, $41; J. M. Thornburgh, $44; L. Todd, $14; W. Townsend, $14; L. Tremain, $40; J. N. Tyner, $53; R. B. Vance, $63; A. M. Waddell. $44; H. Waldron, $50; A. S. Wallace, $64; J. T. Walls, $140; J. D. Ward, $36; M. L. Ward, $19; E. Wells, $70; W. A. Wheeler, $55; A. White, $90; R. H. Whiteley, $100; W. C. Whitthorne, $77; D. Wilber, $57; C. W. Willard, $53; G. Willard, $48; C. G. Williams, $85; J. M. S. Williams, $45; W. Williams, $58; W. B. Williams, $51; A. H. Willie, $196; E. K. Wilson, $25; J. Wilson, $70; J. M. Wilson, $57; S. K. Wolfe, $53; F. Wood, $17; S. L. Woodford, $27; L. D. Woodworth, $36; J. D. Young, $73; approximated expenses of 39 members who have not submitted an account, $3,137.—Total, $23,476.

[The last two statements were embodied in the remarks of Hon. A. HERR SMITH, March 19, 1874, and will be found in the CONGRESSIONAL RECORD of March 20.]

Bill for the Abolition of Mileage.

IN HOUSE.

January 19, 1874—Mr. MACDOUGALL introduced the following bill, (H. R. 1243;) which was read twice and referred to the Committee on Mileage:

Be it enacted, &c., That after the passage of this act all allowance for mileage to Senators, Representatives, and Delegates be, and the same is hereby, abolished.

SEC. 2. That in lieu thereof each Senator, Representative, and Delegate shall be entitled to receive his actual traveling expenses to and from Washington once each way for each session of Congress.

April 15—Mr. BUNDY, from the Committee on Mileage, reported the bill without amendment, and demanded the previous question on the engrossment and third reading of the bill.

Mr. E. HALE moved the point of order that the bill takes money from the Treasury.

The SPEAKER ruled that the bill could now be considered in the House.

The House refused to second the demand for the main question.

Mr. MAYNARD moved to recommit the bill.

Mr. RANDALL moved to lay the bill upon the table, but subsequently withdrew the motion.

Mr. P. M. B. YOUNG renewed it.

The motion to lay the bill on the table was disagreed to—yeas 63, nays 170:

YEAS—Messrs. Averill, Barber, *H. P. Bell*, Bradley, *Buckner*, Burchard, *J. B. Clark*, S. A. Cobb, Corwin, Crounse, Crutchfield, Darrall, Donnan, *Eldredge*, Farwell, Garfield, *Giddings*, Hagans, E. Hale, R. S. Hale, *Hancock*, J. B. Hawley, Hays, G. W. Hazelton, *Herndon*, E. R. Hoar, G. F. Hoar, Hodges, Houghton, Hubbell, Hunter, Hurlbut, *Kendall*, *Knapp*, *Lamar*, J. R. Lynch, *Marshall*, Martin, A. S. McDill, McKee, Morey, *Nesmith*, Orth, Packard, Parsons, Pelham, Purman, Rainey, Rusk, Sawyer, I. W. Scudder, Shanks, Sheats, Sheldon, *Sloss*, G L. Smith, Strait, Sypher, Walls, J. M. S. Williams, Williams of Indiana, *Willie*, *P. M B. Young*—69.

NAYS—Messrs. *Adams*, Albert, Albright, *Archer*, *Arthur*, *Atkins*, BANNING, *Barnum*, Barrere, Bass, *J. B. Beck*, Begole, *Berry*, Biery, *Bland*, *Blount*, *Bowen*, BROMBERG, *Brown*, Buffinton, Bundy, Burleigh, Burrows, R. R. Butler, *J. H. Caldwell*, Cannon, Cason, Cessna, Clayton, Clements, *Clymer*, C. L. Cobb, Coburn, *Comingo*, Conger, *Cook*, Cotton, *Cox*, *Crittenden*, Crooke, *Crossland*, Curtis, Danford, *J. J. Davis*, Dawes, *De Witt*, Duell, Dunnell, *Durham*, Eames, *Eden*, Fort, C. Foster, Freeman, Frye, Gunckel, *Hamilton*, B. W. Harris, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, J. R. Hawley, J. W. Hazelton, *Hereford*, *Holman*, Hooper, Hoskins, Howe, *Hunton*, Hyde, *Jewett*, Kasson, Kelley, Kellogg, *Lamison*, Lamport, Lansing, Lawson, Lofland, Lowe, *Luttrell*, *Magee*, Maynard, McCrary, J. W. McDill, MacDougall, McJunkin, McNulta, Mellish, Merriam, *Milliken*, *Mills*, *Mitchell*, Monroe, L. Myers, *Neal*, *W. E. Niblack*, Nunn, O'Neill, Orr, Packer, Page, *H. W. Parker*, I. C. Parker, Pendleton, *E. Perry*, Phelps, Pierce, Pike, J. H. Platt, T. C. Platt, Poland, *Randall*, Rapier, Ray, *Read*, J. B. Rice, Richmond, *Robbins*, E. H. Roberts, *W. R. Roberts*, J. W. Robinson, Ross, H. B. Sayler, *M. Sayler*, *J. G. Schumaker*, Scofield, H. J. Scudder, Sener, Sessions, I. R. Sherwood, L. D. Shoemaker, Smart, A. H. Smith, H. B. Smith, J. Q. Smith, *Southard*, *Speer*, Sprague, Stanard, Starkweather, St. John, *Stone*, *Storm*, C. R. Thomas, W. Townsend, Tremain, Tyner, *Vance*, *Waddell*, Waldron, Wallace, J. D. Ward, M. L. Ward, *Wells*, Wheeler, *Whitehead*, WHITEHOUSE, Whiteley, *Whitthorne*, Wilber, C. W. Willard, G. Willard, C. G. Williams, J. Wilson, *Wood*, Woodford, Woodworth, *J. D. Young*—170.

Mr. BUNDY demanded the previous question on the motion to recommit.

The House seconded the demand—yeas 92, nays 61, and the main question was ordered.

The motion to recommit was disagreed to; the bill ordered to be engrossed and read a third time; and being so engrossed was so read.

The bill was then passed—yeas 187, nays 49, not voting 54:

YEAS—Messrs. *Adams*, Albert, Albright, *Archer*, *Arthur*, *Atkins*, BANNING, Barber, *Barnum*, Barrere, Bass, *J. B. Beck*, Begole, *H. P. Bell*, *Berry*, Biery, *Bland*, *Blount*, *Bowen*, *Bright*, *Brown*, Buffinton, Bundy, Burleigh, Burrows, R. R. Butler, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, Clements, *Clymer*, C. L. Cobb, Coburn, *Comingo*, Conger, *Cook*, *Cox*, *Crittenden*, Crooke, *Crossland*, Crounse, Crutchfield, Curtis, Danford, *J. J. Davis*, *De Witt*, Dobbins, Duell, Dunnell, *Durham*, Eames, *Eden*, Farwell, Field, Fort, C. Foster, Freeman, Frye, Garfield, Gunckel, Hagans, *Hamilton*, Harmer, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Havens, J. R. Hawley, J. W. Hazelton, *Hereford*, Hodges, *Holman*, Hoskins, Hunter, *Hunton*, Hyde, *Jewett*, Kasson, Kelley, Kellogg, *Lamison*, Lamport, Lansing, Lawson, Lofland, Lowe, *Luttrell*, *Magee*, McCrary, J. W. McDill, MacDougall, McJunkin, McNulta, Mellish, Merriam, *Milliken*, *Mills*, *Mitchell*, Monroe, L. Myers, *Neal*, *W. E. Niblack*, Nunn, O'Neill, Orr, Orth, Packer, Page, *H. W. Parker*, I. C. Parker, Parsons, Pelham, Pendleton, *E. Perry*, Phelps, Pierce, Pike, J. H. Platt, T. C. Platt, Poland, *Potter*, Pratt, *Randall*, Rapier, Ray, J. B. Rice, Richmond, *Robbins*, E. H. Roberts, *W. R. Roberts*, J. W. Robinson, Ross, H. B. Sayler, *M. Sayler*, *J. G. Schumaker*, Scofield, H. J. Scudder, Sener, Sessions, I. R. Sherwood, *L. D. Shoemaker*, Smart, A. H. Smith, H. B. Smith, J. Q. Smith, *Southard*, *Speer*, Sprague, Stanard, *Standeford*, Starkweather, St. John, *Stone*, *Storm*, *Swann*, C. R. Thomas, C. Y. Thomas, W. Townsend, Tremain, Tyner, *Vance*, *Waddell*, Waldron, Wallace, J. D. Ward, M. L. Ward, *Wells*, Wheeler, *Whitehead*, WHITEHOUSE, Whiteley, *Whitthorne*, Wilber, C. W. Willard, G. Willard, C. G. Williams, J. Wilson, J. M. Wilson, *Wood*, Woodford, Woodworth, *J. D. Young*, *P. M. B. Young*—187.

NAYS—Messrs. Averill, Barry, Bradley, BROMBERG, Burchard, Clayton, S. A. Cobb, Corwin, Darrall, Donnan, *Eldredge*, *Giddings*, Gooch, E. Hale, R. S. Hale, *Hancock*, B. W. Harris, J. B. Hawley, Hays, G. W. Hazelton, *Herndon*, E. R. Hoar, G. F. Hoar, Hooper, Houghton, Howe, Hubbell, Hurlbut, *Kendall*, *Knapp*, J. R. Lynch, *Marshall*, Martin, A. S. McDill, McKee, Morey, *Nesmith*, Packard, Purman, *Read*, Rusk, Sawyer, Shanks, *Sloss*, Strait, Walls, J. M. S. Williams, Williams of Indiana, *Willie*—49.

IN SENATE.

April 15—The bill was read twice and referred to the Committee on Civil Service and Retrenchment, and was not acted upon.

IV.

JUDICIAL DECISIONS AND OPINIONS.

The Louisiana Slaughter-house Cases.

SUPREME COURT OF THE UNITED STATES.

Nos. 8, 9, and 10.—December Term, 1872.

8 — The Butchers' Benevolent Association of New Orleans, Plaintiff in Error, *vs.* The Crescent City Live-Stock Landing and Slaughter-House Company.

9 — Paul Esteben, L. Ruch, J. P. Rouede, W. Maylie, S. Firmberg, B. Beaubay, William Fagan, J. D. Broderick, N. Seibel, M. Lannes, J. Gitzinger, J. P. Aycock, D. Verges, The Live-Stock Dealers' and Butchers' Association of New Orleans, and Charles Cavaroc, Plaintiffs in Error, *vs.* The State of Louisiana, *ex rel.* S. Belden, Attorney General.

10 — The Butchers' Benevolent Association of New Orleans, Plaintiff in Error, *vs.* The Crescent City Live-Stock Landing and Slaughter-House Company.

In error to the Supreme Court of the State of Louisiana.

The charter of the slaughter-house company, a corporation created by a statute of Louisiana, contained, among other exclusive privileges, the right to establish and maintain stock-yards and landing-places and slaughter-houses for the city of New Orleans, at which all stock must be landed and all animals intended for food must be slaughtered.

This grant of privilege, guarded by proper limitation of the prices to be charged, and imposing the duty of providing ample conveniences, with permission to all owners of stock to land, and of all butchers to slaughter, at those places, was a police regulation for the health and comfort of the people, (the statute locating them where health and comfort required,) within the power of the State Legislatures, unaffected by the Constitution of the United States previous to the adoption of the thirteenth and fourteenth articles of amendment.

The Parliament of Great Britain and the State legislatures of this country have always exercised the power of granting exclusive rights, when they were necessary and proper to effectuate a purpose which had in view the public good; and the power here exercised is of that class, and has until now never been denied.

It is now claimed that such power is forbidden by the thirteenth article of amendment and by the first section of the fourteenth article.

An examination of the history of the causes which led to the adoption of those amendments, and of the amendments themselves, demonstrates that the main purpose of all the three last amendments was the freedom of the African race, the security and perpetuation of that freedom, and their protection from the oppressions of the white men who had formerly held them in slavery.

In giving construction to any of those articles, it is necessary to keep this main purpose steadily in view, though the letter and spirit of those articles must apply to all cases coming within their purview, whether the party concerned be of African descent or not.

While the thirteenth article of amendment was intended primarily to abolish African slavery, it equally forbids Mexican peonage or the Chinese cooly trade, when they amount to slavery or involuntary servitude; and the use of the word servitude is intended to prohibit all forms of involuntary slavery of whatever class or name.

The first clause of the fourteenth article was primarily intended to confer citizenship on the negro race, and secondly to give definitions of citizenship of the United States and citizenship of the States, and it recognizes the distinction between citizenship of a State and citizenship of the United States by those definitions.

The second clause protects from the hostile legislation of the States the privileges and immunities of *citizens of the United States* as distinguished from the privileges and immunities of citizens of the States.

These latter, as defined by Justice Washington in Corfield vs. Coryell, and by this court in Ward vs. Maryland, embraced generally those fundamental civil rights for the security and establishment of which organized society is instituted, and they remain, with certain exceptions mentioned in the federal Constitution, under the care of the State governments, and of this class are those set up by plaintiffs.

The privileges and immunities of citizens of the United States are those which arise out of the nature and essential character of the national government, the provisions of its Constitution, or its laws and treaties made in pursuance thereof; and it is these which are placed under the protection of Congress by this clause of the fourteenth amendment.

It is not necessary to inquire here into the full force of the clause forbidding a State to enforce any law which deprives a person of life, liberty, or property without due process of law, for that phrase has been often the subject of judicial construction, and is, under no admissible view of it, applicable to the present case.

The clause which forbids a State to deny to any person the equal protection of the laws was clearly intended to prevent the hostile discrimination against the negro race so familiar in the States where he had been a slave, and for this purpose the clause confers ample power in Congress to secure his rights and his equality before the law.

Mr. Justice MILLER delivered the opinion of the court as follows:

These cases are brought here by writs of error to the Supreme Court of the State of Louisiana.

They arise out of the efforts of the butchers of New Orleans to resist the Crescent City Live-

Stock Landing and Slaughter-House Company in the exercise of certain powers conferred by the charter which created it, and which was granted by the legislature of that State.

The cases named above, with others which have been brought here and dismissed by agreement, were all decided by the Supreme Court of Louisiana in favor of the slaughter-house company, as we shall hereafter call it for the sake of brevity, and these writs are brought to reverse those decisions.

The records were filed in this court in 1870, and were argued before it at length on a motion made by plaintiffs in error for an order in the nature of an injunction or supersedeas, pending the action of the court on the merits. The opinion on that motion is reported in 10 Wallace, 273.

On account of the importance of the questions involved in these cases they were, by permission of the court, taken up out of their order on the docket, and argued in January, 1872. At that hearing one of the justices was absent, and it was found on consultation that there was a diversity of views among those who were present. Impressed with the gravity of the questions raised in the argument, the court under these circumstances ordered that the cases be placed on the calendar and reargued before a full bench. This argument was had early in February last.

Preliminary to the consideration of those questions is a motion by the defendant to dismiss the cases, on the ground that the contest between the parties has been adjusted by an agreement made since the records came into this court, and that part of that agreement is that these writs should be dismissed. This motion was heard with the argument on the merits, and was much pressed by counsel. It is supported by affidavits and by copies of the written agreement relied on. It is sufficient to say of these that we do not find in them satisfactory evidence that the agreement is binding upon all the parties to the record who are named as plaintiffs in the several writs of error, and that there are parties now before the court, in each of the three cases at the head of this opinion, who have not consented to their dismissal, and who are not bound by the action of those who have so consented. They have a right to be heard, and the motion to dismiss cannot prevail.

The records show that the plaintiffs in error relied upon, and asserted throughout the entire course of the litigation in the State courts, that the grant of privileges in the charter of defendant, which they were contesting, was a violation of the most important provisions of the thirteenth and fourteenth articles of amendment of the Constitution of the United States. The jurisdiction and the duty of this court to review the judgment of the State court on those questions is clear and is imperative.

The statute thus assailed as unconstitutional was passed March 8, 1869, and is entitled "An act to protect the health of the city of New Orleans, to locate the stock-landings and slaughter-houses, and to incorporate the Crescent City Live-stock Landing and Slaughter-house Company."

The first section forbids the landing or slaughtering of animals whose flesh is intended for food within the city of New Orleans and other parishes and boundaries named and defined, or the keeping or establishing any slaughter-houses or *abattoirs* within those limits, except by the corporation thereby created, which is also limited to certain places afterwards mentioned. Suitable penalties are enacted for violations of this prohibition.

The second section designates the corporators, gives the name to the corporation, and confers on it the usual corporate powers.

The third and fourth sections authorize the company to establish and erect within certain territorial limits therein defined one or more stock-yards, stock-landings, and slaughter-houses, and imposes upon it the duty of erecting, on or before the 1st day of June, 1869, one grand slaughter-house of sufficient capacity for slaughtering five hundred animals per day.

It declares that the company, after it shall have prepared all the necessary buildings, yards, and other conveniences for that purpose, shall have the sole and exclusive privilege of conducting and carrying on the live-stock landing and slaughter-house business within the limits and privilege granted by the act, and that all such animals shall be landed at the stock-landings and slaughtered at the slaughter houses of the company, and nowhere else. Penalties are enacted for infractions of this provision, and prices fixed for the maximum charges of the company for each steamboat and for each animal landed.

Section five orders the closing up of all other stock-landings and slaughter-houses after the 1st day of June in the parishes of Orleans, Jefferson, and St. Bernard, and makes it the duty of the company to permit any person to slaughter animals in their slaughter-houses under a heavy penalty for each refusal. Another section fixes a limit to the charges to be made by the company for each animal so slaughtered in their building, and another provides for an inspection of all animals intended to be so slaughtered by an officer appointed by the governor of the State for that purpose.

These are the principal features of the statute, and are all that have any bearing upon the questions to be decided by us.

This statute is denounced not only as creating a monopoly, and conferring odious and exclusive privileges upon a small number of persons at the expense of the great body of the community of New Orleans, but it is asserted that it deprives a large and meritorious class of citizens—the whole of the butchers of the city—of the right to exercise their trade, the business to which they have been trained, and on which they depend for the support of themselves and their families; and that the unrestricted exercise of the business of butchering is necessary to the daily subsistence of the population of the city.

But a critical examination of the act hardly justifies these assertions.

It is true that it grants for a period of twenty-five years exclusive privileges. And whether those privileges are at the expense of the community in the sense of a curtailment of any of their fundamental rights, or even in the sense of

doing them an injury, is a question open to considerations to be hereafter stated. But it is not true that it deprives the butchers of the right to exercise their trade, or imposes upon them any restriction incompatible with its successful pursuit, or furnishing the people of the city with the necessary daily supply of animal food.

The act divides itself into two main grants of privilege—the one in reference to stock-landings and stock-yards, and the other to slaughter-houses. That the landing of live stock in large droves from steamboats on the bank of the river and from railroad trains should, for the safety and comfort of the people and the care of the animals, be limited to proper places, and those not numerous, needs no argument to prove it. Nor can it be injurious to the general community that while the duty of making ample preparation for this is imposed upon a few men, or a corporation, they should, to enable them to do it successfully, have the exclusive right of providing such landing places, and receiving a fair compensation for the service.

It is, however, the slaughter-house privilege, which is mainly relied on to justify the charges of gross injustice to the public, and invasion of private right.

It is not and cannot be successfully controverted, that it is both the right and the duty of the legislative body—the supreme power of the State or municipality—to prescribe and determine the localities where the business of slaughtering for a great city may be conducted. To do this effectively it is indispensable that all persons who slaughter animals for food shall do it in those places *and nowhere else.*

The statute under consideration defines these localities, and forbids slaughtering in any other. It does not, as has been asserted, prevent the butcher from doing his own slaughtering. On the contrary, the slaughter-house company is required, under a heavy penalty, to permit any person who wishes to do so, to slaughter in their houses; and they are bound to make ample provision for the convenience of all the slaughtering for the entire city. The butcher, then, is still permitted to slaughter, to prepare, and to sell his own meats; but he is required to slaughter at a specified place, and to pay a reasonable compensation for the use of the accommodations furnished him at that place.

The wisdom of the monopoly granted by the Legislature may be open to question, but it is difficult to see a justification for the assertion that the butchers are deprived of the right to labor in their occupation, or the people of their daily service in preparing food, or how this statute, with the duties and guards imposed upon the company, can be said to destroy the business of the butcher, or seriously interfere with its pursuit.

The power here exercised by the legislature of Louisiana is, in its essential nature, one which has been, up to the present period in the constitutional history of this country, always conceded to belong to the States, however it may *now* be questioned in some of its details.

"Unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the application of steam power to propel cars, the building with combustible materials, and the burial of the dead, may all," says Chancellor Kent, (2 Commentaries, 340,) "be interdicted by law, in the midst of dense masses of population, on the general and rational principle, that every person ought to so use his property as not to injure his neighbors; and that private interests must be made subservient to the general interests of the community." This is called the police power; and it is declared by Chief Justice Shaw, that it is much easier to perceive and realize the existence and sources of it than to mark its boundaries or prescribe limits to its exercise. (Commonwealth vs. Alger, 7 Cushing, 84.)

This power is, and must be, from its very nature, incapable of any very exact definition or limitation. Upon it depends the security of social order, the life and health of the citizen, the comfort of an existence in a thickly populated community, the enjoyment of private and social life, and the beneficial use of property. "It extends, says another eminent judge, to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection of all property within the State; * * * and persons and property are subjected to all kinds of restraints and burdens in order to secure the general comfort, health, and prosperity of the State. Of the perfect right of the legislature to do this no question ever was, or, upon acknowledged general principles, ever can be made, so far as natural persons are concerned." (Thorpe vs. Rutland and Burlington R. R. Co., 27 Vermont R., 149.)

The regulation of the place and manner of conducting the slaughtering of animals, and the business of butchering within a city, and the inspection of the animals to be killed for meat, and of the meat afterwards, are among the most necessary and frequent exercises of this power. It is not, therefore, needed that we should seek for a comprehensive definition, but rather look for the proper source of its exercise.

In Gibbons vs. Ogden, (9 Wheaton, 203,) Chief Justice Marshall, speaking of inspection laws passed by the States, says: "They form a portion of that immense mass of legislation which controls everything within the territory of a State not surrendered to the general government—all which can be most advantageously administered by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, &c., are component parts. No direct general power over these objects is granted to Congress; and consequently they remain subject to State legislation."

The exclusive authority of State legislation over this subject is strikingly illustrated in the case of the City of New York vs. Miln, (11 Pet., 102.) In that case the defendant was prosecuted for failing to comply with a statute of New York which required of every master of a vessel arriving from a foreign port, in that of New York city, to report the names of all his passengers, with certain particulars of their age, occupation, last place of settlement, and place of their birth. It was argued that this act was an invasion of the

exclusive right of Congress to regulate commerce. And it cannot be denied that such a statute operated at least indirectly upon the commercial intercourse between the citizens of the United States and of foreign countries. But notwithstanding this it was held to be an exercise of the police power properly within the control of the State, and unaffected by the clause of the Constitution which conferred on Congress the right to regulate commerce.

To the same purpose are the recent cases of The License Tax, (5 Wall., 471,) and United States vs. De Witt, (9 Wall., 41.) In the latter case an act of Congress which undertook as a part of the internal revenue laws to make it a misdemeanor to mix for sale naphtha and illuminating oils, or to sell oil of petroleum inflammable at less than a prescribed temperature, was held to be void, because as a police regulation the power to make such a law belonged to the States, and did not belong to Congress.

It cannot be denied that the statute under consideration is aptly framed to remove from the more densely populated part of the city the noxious slaughter-houses and large and offensive collection of animals necessarily incident to the slaughtering business of a large city, and to locate them where the convenience, health, and comfort of the people require they shall be located. And it must be conceded that the means adopted by the act for this purpose are appropriate, are stringent, and effectual. But it is said that in creating a corporation for this purpose, and conferring upon it exclusive privileges—privileges which it is said constitute a monopoly—the legislature has exceeded its power. If this statute had imposed on the city of New Orleans precisely the same duties, accompanied by the same privileges, which it has on the corporation which it created, it is believed that no question would have been raised as to its constitutionality. In that case the effect on the butchers in pursuit of their occupation, and on the public, would have been the same as it is now. Why cannot the legislature confer the same powers on another corporation, created for a lawful and useful public object, that it can on the municipal corporation already existing? That wherever a legislature has the right to accomplish a certain result, and that result is best attained by means of a corporation, it has the right to create such a corporation, and to endow it with the powers necessary to effect the desired and lawful purpose, seems hardly to admit of debate. The proposition is ably discussed and affirmed in the case of McCulloch vs. The State of Maryland, (4 Wheaton, 316,) in relation to the power of Congress to organize the Bank of the United States to aid in the fiscal operations of the Government

It can readily be seen that the interested vigilance of the corporation created by the Louisiana legislature will be more efficient in enforcing the limitation prescribed for the stock landing and slaughtering business for the good of the city than the ordinary efforts of the officers of the law.

Unless, therefore, it can be maintained that the exclusive privilege granted by this charter to the corporation is beyond the power of the legislature of Louisiana, there can be no just exception to the validity of the statute. And in this respect we are not able to see that these privileges are especially odious or objectionable. The duty imposed as a consideration for the privilege is well defined, and its enforcement well guarded. The prices or charges to be made by the company are limited by the statute, and we are not advised that they are on the whole exorbitant or unjust.

The proposition is therefore reduced to these terms: Can any exclusive privileges be granted to any of its citizens, or to a corporation, by the legislature of a State?

The eminent and learned counsel who has twice argued the negative of this question, has displayed a research into the history of monopolies in England and the European continent only equaled by the eloquence with which they are denounced.

But it is to be observed that all such references are to monopolies established by the monarch in derogation of the rights of his subjects, or arise out of transactions in which the people were unrepresented, and their interests uncared for. The great case of The Monopolies reported by Coke, and so fully stated in the brief, was undoubtedly a contest of the commons against the monarch. The decision is based upon the ground that it was against common law, and the argument was aimed at the unlawful assumption of power by the crown; for whoever doubted the authority of Parliament to change or modify the common law? The discussion in the House of Commons cited from Macaulay clearly establishes that the contest was between the crown and the people represented in Parliament.

But we think it may be safely affirmed that the Parliament of Great Britain, representing the people in their legislative functions, and the legislative bodies of this country, have, from time immemorial to the present day, continued to grant to persons and corporations exclusive privileges—privileges denied to other citizens—privileges which come within any just definition of the word monopoly as much as those now under consideration, and that the power to do this has never been questioned or denied. Nor can it be truthfully denied that some of the most useful and beneficial enterprises set on foot for the general good have been made successful by means of these exclusive rights, and could only have been conducted to success in that way.

It may, therefore, be considered as established that the authority of the legislature of Louisiana to pass the present statute is ample, unless some restraint in the exercise of that power be found in the constitution of that State or in the amendments to the Constitution of the United States, adopted since the date of the decisions we have already cited.

If any such restraint is supposed to exist in the constitution of the State, the Supreme Court of Louisiana having necessarily passed on that question, it would not be open to review in this court.

Plaintiffs in error, accepting this issue, allege that the statute is a violation of the Constitution of the United States in these several particulars:

That it creates an involuntary servitude forbidden by the thirteenth article of amendment.

That it abridges the privileges and immunities of citizens of the United States.

That it denies to the plaintiffs the equal protection of the laws; and

That it deprives them of their property without due process of law, contrary to the provisions of the first section of the fourteenth article of amendment.

This court is thus called upon for the first time to give construction to these articles.

We do not conceal from ourselves the great responsibility which this duty devolves upon us. No questions so far reaching and pervading in their consequences, so profoundly interesting to the people of this country, and so important in their bearing upon the relations of the United States, and of the several States to each other and to the citizens of the States and of the United States, have been before this court during the official life of any of its present members. We have given every opportunity for a full hearing at the bar; we have discussed it freely and compared views among ourselves; we have taken ample time for careful deliberation; and we now propose to announce the judgments which we have formed in the construction of those articles, so far as we have found them necessary to the decision of the cases before us; and beyond that we have neither the inclination nor the right to go.

Twelve articles of amendment were added to the federal Constitution soon after the original organization of the Government under it in 1789. Of these all but the last were adopted so soon afterwards as to justify the statement that they were practically cotemporaneous with the adoption of the original; and the twelfth, adopted in eighteen hundred and three, was so nearly so as to have become, like all the others, historical and of another age. But within the last eight years three other articles of amendment of vast importance have been added by the voice of the people to that now venerable instrument.

The most cursory glance at these articles discloses a unity of purpose, when taken in connection with the history of the times, which cannot fail to have an important bearing on any question of doubt concerning their true meaning. Nor can such doubts, when any reasonably exist, be safely and rationally solved without a reference to that history; for in it is found the occasion and the necessity for recurring again to the great source of power in this country, the people of the States, for additional guarantees of human rights; additional powers to the federal government; additional restraints upon those of the States. Fortunately that history is fresh within the memory of us all, and its leading features, as they bear upon the matter before us, free from doubt.

The institution of African slavery, as it existed in about half the States of the Union, and the contests pervading the public mind for many years, between those who desired its curtailment and ultimate extinction and those who desired additional safeguards for its security and perpetuation, culminated in the effort, on the part of most of the States in which slavery existed, to separate from the federal government and to resist its authority. This constituted the war of the rebellion, and whatever auxiliary causes may have contributed to bring about this war, undoubtedly the overshadowing and efficient cause was African slavery.

In that struggle slavery, as a legalized social relation, perished. It perished as a necessity of the bitterness and force of the conflict. When the armies of freedom found themselves upon the soil of slavery they could do nothing less than free the poor victims whose enforced servitude was the foundation of the quarrel. And when hard pressed in the contest these men (for they proved themselves men in that terrible crisis) offered their services and were accepted by thousands to aid in suppressing the unlawful rebellion, slavery was at an end wherever the federal government succeeded in that purpose. The proclamation of President Lincoln expressed an accomplished fact as to a large portion of the insurrectionary districts, when he declared slavery abolished in them all. But the war being over, those who had succeeded in re-establishing the authority of the federal government were not content to permit this great act of emancipation to rest on the actual results of the contest or the proclamation of the Executive, both of which might have been questioned in after times, and they determined to place this main and most valuable result in the Constitution of the restored Union as one of its fundamental articles. Hence the thirteenth article of amendment of that instrument. Its two short sections seem hardly to admit of construction, so vigorous is their expression and so appropriate to the purpose we have indicated.

1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

To withdraw the mind from the contemplation of this grand yet simple declaration of the personal freedom of all the human race within the jurisdiction of this government—a declaration designed to establish the freedom of four millions of slaves—and with a microscopic search endeavor to find in it a reference to servitudes, which may have been attached to property in certain localities, requires an effort, to say the least of it.

That a personal servitude was meant is proved by the use of the word "involuntary," which can only apply to human beings. The exception of servitude as a punishment for crime gives an idea of the class of servitude that is meant. The word servitude is of larger meaning than slavery, as the latter is popularly understood in this country, and the obvious purpose was to forbid all shades and conditions of African slavery. It was very well understood that in the form of apprenticeship for long terms, as it had been practiced in the West India Islands, on the abolition of slavery by the English government, or by reducing the slaves to the condition of serfs attached to the plantation, the purpose of the article might have been evaded, if only the word slavery had been used. The case of the apprentice slave, held under a law of Maryland, liber-

ated by Chief Justice Chase, on a writ of *habeas corpus* under this article, illustrates this course of observation. (Matter of Turner, 1 Abbott, U. S. R., 84.) And it is all that we deem necessary to say on the application of that article to the statute of Louisiana, now under consideration.

The process of restoring to their proper relations with the federal government and with the other States those which had sided with the rebellion, undertaken under the proclamation of President Johnson in 1865, and before the assembling of Congress, developed the fact that, notwithstanding the formal recognition by those States of the abolition of slavery, the condition of the slave race would, without further protection of the federal government, be almost as bad as it was before. Among the first acts of legislation adopted by several of the States in the legislative bodies which claimed to be in their normal relations with the federal government, were laws which imposed upon the colored race onerous disabilities and burdens, and curtailed their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value, while they had lost the protection which they had received from their former owners from motives both of interest and humanity.

They were in some States forbidden to appear in the towns in any other character than menial servants. They were required to reside on and cultivate the soil without the right to purchase or own it. They were excluded from many occupations of gain, and were not permitted to give testimony in the courts in any case where a white man was a party. It was said that their lives were at the mercy of bad men, either because the laws for their protection were insufficient or were not enforced.

These circumstances, whatever of falsehood or misconception may have been mingled with their presentation, forced upon the statesmen who had conducted the federal government in safety through the crisis of the rebellion, and who supposed that by the thirteenth article of amendment they had secured the result of their labors, the conviction that something more was necessary in the way of constitutional protection to the unfortunate race who had suffered so much. They accordingly passed through Congress the proposition for the fourteenth amendment, and they declined to treat as restored to their full participation in the government of the Union the States which had been in insurrection until they ratified that article by a formal vote of their legislative bodies.

Before we proceed to examine more critically the provisions of this amendment, on which the plaintiffs in error rely, let us complete and dismiss the history of the recent amendments, as that history relates to the general purpose which pervades them all. A few years' experience satisfied the thoughtful men who had been the authors of the other two amendments that, notwithstanding the restraints of those articles on the States, and the laws passed under the additional powers granted to Congress, these were inadequate for the protection of life, liberty, and property, without which freedom to the slave was no boon. They were in all those States denied the right of suffrage. The laws were administered by the white man alone. It was urged that a race of men distinctively marked as was the negro, living in the midst of another and dominant race, could never be fully secured in their person and their property without the right of suffrage.

Hence the fifteenth amendment, which declares that "the right of a citizen of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude." The negro having, by the fourteenth amendment, been declared to be a citizen of the United States, is thus made a voter in every State of the Union.

We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which are familiar to us all, and on the most casual examination of the language of these amendments no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested; we mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly-made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him. It is true that only the fifteenth amendment, in terms, mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race, and designed to remedy them as the fifteenth.

We do not say that no one else but the negro can share in this protection. Both the language and spirit of these articles are to have their fair and just weight in any question of construction. Undoubtedly while negro slavery alone was in the mind of the Congress which proposed the thirteenth article, it forbids any other kind of slavery, now or hereafter. If Mexican peonage or the Chinese cooly labor system shall develop slavery of the Mexican or Chinese race within our territory, this amendment may safely be trusted to make it void. And so if other rights are assailed by the States which properly and necessarily fall within the protection of these articles, that protection will apply, though the party interested may not be of African descent. But what we do say, and what we wish to be understood is, that in any fair and just construction of any section or phrase of these amendments, it is necessary to look to the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy, and the process of continued addition to the Constitution, until that purpose was supposed to be accomplished, as far as constitutional law can accomplish it.

The first section of the fourteenth article, to which our attention is more specially invited, opens with a definition of citizenship—not only citizenship of the United States, but citizenship of the States. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments, and in the public journals. It had been said by eminent judges that no man was a citizen of the United States, except as he was a citizen of one of the States

composing the Union. Those, therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States, were not citizens. Whether this proposition was sound or not, had never been judicially decided. But it had been held by this court, in the celebrated Dred Scott case, only a few years before the outbreak of the civil war, that a man of African descent, whether a slave or not, was not and could not be a citizen of a State or of the United States. This decision, while it met the condemnation of some of the ablest statesmen and constitutional lawyers of the country, had never been overruled; and if it was to be accepted as a constitutional limitation of the right of citizenship, then all the negro race who had recently been made freemen were still not only not citizens, but were incapable of becoming so by anything short of an amendment to the Constitution.

To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship which should declare what should constitute citizenship of the United States, and also citizenship of a State, the first clause of the first section was framed.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

The first observation we have to make on this clause is, that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making *all persons* born within the United States, and subject to its jurisdiction, citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign States born within the United States.

The next observation is more important in view of the arguments of counsel in the present case. It is that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

We think these distinctions and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of plaintiffs rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guarantied by the clause are the same.

The language is, "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of *the United States*." It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the word citizen of the State should be left out when it is so carefully used, and used in contradistinction to citizens of the United States, in the very sentence which precedes it. It *is* too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of the State as such, the latter must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment.

The first occurrence of the words privileges and immunities in our constitutional history, is to be found in the fourth of the articles of the old confederation.

It declares "that the better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively."

In the Constitution of the United States, which superseded the Articles of Confederation, the corresponding provision is found in section two of the fourth article, in the following words: The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States.

There can be but little question that the purpose of both these provisions is the same, and that the privileges and immunities intended are the same in each. In the article of the confederation we have some of these specifically mentioned, and enough perhaps to give some general idea of the class of civil rights meant by the phrase.

Fortunately we are not without judicial construction of this clause of the Constitution. The first and the leading case on the subject is that of Corfield vs. Coryell, decided by Mr. Justice

Washington in the circuit court for the district of Pennsylvania in 1823. (4 Wash. C. C. R., 371)

"The inquiry," he says, "is what are the privileges and immunities of citizens of the several States? We feel no hesitation in confining these expressions to those privileges and immunities which are *fundamental;* which belong of right to the citizens of all free governments, and which have at all times been enjoyed by citizens of the several States which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are, it would be more tedious than difficult to enumerate.

"They may all, however, be comprehended under the following general heads: protection by the government, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the government may prescribe for the general good of the whole."

This definition of the privileges and immunities of citizens of the States is adopted in the main by this court in the recent case of Ward vs. The State of Maryland, (12 Wallace, 430,) while it declines to undertake an authoritative definition beyond what was necessary to that decision. The description, when taken to include others not named, but which are of the same general character, embraces nearly every civil right for the establishment and protection of which organized government is instituted. They are, in the language of Judge Washington, those rights which are fundamental. Throughout his opinion, they are spoken of as rights belonging to the individual as a citizen of a State. They are so spoken of in the constitutional provision which he was construing. And they have always been held to be the class of rights which the State governments were created to establish and secure.

In the case of Paul vs. Virginia, (8 Wallace, 180,) the court, in expounding this clause of the Constitution, says that "the privileges and immunities secured to citizens of each State in the several States, by the provision in question, are those privileges and immunities which are common to the citizens in the latter States under their constitution and laws by virtue of their being citizens."

The constitutional provision there alluded to did not create those rights, which it called privileges and immunities of citizens of the States. It threw around them in that clause no security for the citizen of the State in which they were claimed or exercised. Nor did it profess to control the power of the State governments over the rights of its own citizens.

Its sole purpose was to declare to the several States, that whatever those rights, as you grant or establish them to your own citizens, or as you limit or qualify, or impose restrictions on their exercise, the same, neither more nor less, shall be the measure of the rights of citizens of other States within your jurisdiction.

It would be the vainest show of learning to attempt to prove by citations of authority, that up to the adoption of the recent amendments, no claim or pretence was set up that those rights depended on the federal government for their existence or protection, beyond the very few express limitations which the federal Constitution imposed upon the States—such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the federal government. Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of *citizens of the United States*, to transfer the security and protection of all the civil rights which we have mentioned, from the States to the federal government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow if the proposition of the plaintiffs in error be sound. For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States, in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects. And still further, such a construction followed by the reversal of the judgments of the Supreme Court of Louisiana in these cases, would constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights, as they existed at the time of the adoption of this amendment. The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and prevading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole theory of the relations of the State and federal governments to each other, and of both these governments to the people; the argument has a force that is irresistible in the absence of language which expresses such a purpose too clearly to admit of doubt.

We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the legislatures of the States which ratified them.

Having shown that the privileges and immunities relied on in the argument are those which belonged to citizens of the States as such, and that they are left to the State governments for security and protection, and not by this article placed under the special care of the federal gov-

ernment, we may hold ourselves excused from defining the privileges and immunities of citizens of the United States which no State can abridge, until some case involving those privileges may make it necessary to do so.

But lest it should be said that no such privileges and immunities are to be found if those we have been considering are excluded, we venture to suggest some which owe their existence to the federal government, its national character, its constitution, or its laws.

One of these is well described in the case of Crandall vs. Nevada, 6 Wallace, 36. It is said to be the right of the citizen of this great country, protected by implied guarantees of its Constitution, "to come to the seat of government to assert any claim he may have upon that government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has the right of free access to its sea-ports, through which all operations of foreign commerce are conducted, to the sub-treasuries, land offices, and courts of justice in the several States." And quoting from the language of Chief Justice Taney in another case, it is said "that *for all the great purposes for which the federal government* was established, we are one people, with one common country, *we are all citizens of the United States;*" and it is, as such citizens, that their rights are supported in this court in Crandall vs. Nevada.

Another privilege of a citizen of the United States is to demand the care and protection of the federal government over his life, liberty, and property, when on the high seas or within the jurisdiction of a foreign government. Of this there can be no doubt, nor that the right depends upon his character as a citizen of the United States. The right to peaceably assemble and petition for redress of grievances, the privilege of the writ of *habeas corpus*, are rights of the citizen guaranteed by the federal Constitution. The right to use the navigable waters of the United States, however they may penetrate the territory of the several States, all rights secured to our citizens by treaties with foreign nations, are dependent upon citizenship of the United States, and not citizenship of a State. One of these privileges is conferred by the very article under consideration. It is that a citizen of the United States can, of his own volition, become a citizen of any State of the Union by a *bona fide* residence therein, with the same rights as other citizens of that State. To these may be added the rights secured by the thirteenth and fifteenth articles of amendment, and by the other clause of the fourteenth, next to be considered.

But it is useless to pursue this branch of the inquiry, since we are of opinion that the rights claimed by these plaintiffs in error, if they have any existence, are not privileges and immunities of citizens of the United States within the meaning of the clause of the fourteenth amendment under consideration.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of its laws."

The argument has not been much pressed in these cases that the defendant's charter deprives the plaintiffs of their property without due process of law, or that it denies to them the equal protection of the law. The first of these paragraphs has been in the Constitution since the adoption of the fifth amendment, as a restraint upon the federal power. It is also to be found, in some form of expression, in the constitutions of nearly all the States, as a restraint upon the power of the States. This law, then, has practically been the same as it now is during the existence of the Government, except so far as the present amendment may place the restraining power over the States in this matter in the hands of the federal Government.

We are not without judicial interpretation, therefore, both State and national, of the meaning of this clause. And it is sufficient to say that, under no construction of that provision that we have ever seen, or any that we deem admissible, can the restraint imposed by the State of Louisiana upon the exercise of their trade by the butchers of New Orleans be held to be a deprivation of property within the meaning of that provision.

"Nor shall any State deny to any person within its jurisdiction the equal protection of the laws."

In the light of the history of these amendments and the pervading purpose of them, which we have already discussed, it is not difficult to give a meaning to this clause. The existence of laws in the States where the newly emancipated negroes resided, which discriminated with gross injustice and hardship against them as a class, was the evil to be remedied by this clause, and by it such laws are forbidden.

If, however, the States did not conform their laws to its requirements, then by the fifth section of the article of amendment Congress was authorized to enforce it by suitable legislation. We doubt very much whether any action of a State not directed, by way of discrimination, against the negroes as a class, or on account of their race, will ever be held to come within the purview of this provision. It is so clearly a provision for that race and that emergency that a strong case would be necessary for its application to any other. But as it is a State that is to be dealt with, and not alone the validity of its laws, we may safely leave that matter until Congress shall have exercised its power, or some case of State oppression, by denial of equal justice in its courts, shall have claimed a decision at our hands. We find no such case in the one before us, and do not deem it necessary to go over the argument again, as it may have relation to this particular clause of the amendment.

In the early history of the organization of the government, its statesmen seem to have divided on the line which should separate the powers of the national government from those of the state governments, and though this line has never been very well defined in public opinion, such a division has continued from that day to this.

The adoption of the first eleven amendments to the Constitution so soon after the original instrument was accepted, shows a prevailing sense of danger at that time from the federal power. And it cannot be denied that such a jealousy continued to exist with many patriotic men until the breaking out of the late civil war. It was then discovered that the true danger to the perpetuity of the Union was in the capacity of the State organizations to combine and concentrate all the powers of the State, and of contiguous States, for a determined resistance to the general government.

Unquestionably this has given great force to the argument, and added largely to the number of those who believe in the necessity of a strong national government.

But, however pervading this sentiment, and however it may have contributed to the adoption of the amendments we have been considering, we do not see in those amendments any purpose to destroy the main features of the general system. Under the pressure of all the excited feeling growing out of the war, our statesmen have still believed that the existence of the States with powers for domestic and local government, including the regulation of civil rights—the rights of person and of property—was essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations on the States, and to confer additional power on that of the nation.

But whatever fluctuations may be seen in the history of public opinion on this subject during the period of our national existence, we think it will be found that this court, so far as its functions required, has always held with a steady and an even hand the balance between State and federal power, and we trust that such may continue to be the history of its relation to that subject so long as it shall have duties to perform which demand of it a construction of the Constitution, or any of its parts.

The judgments of the Supreme Court of Louisiana in these cases are affirmed.

The Myra Bradwell Case.

SUPREME COURT OF THE UNITED STATES.

No. 12.—December Term, 1872.

Myra Bradwell, Plaintiff in Error, vs. The State of Illinois. } In error to the Supreme Court of the State of Illinois.

1. The Supreme Court of Illinois having refused to grant to plaintiff a license to practice law in the courts of that State, on the ground that females are not eligible under the laws of that State, such a decision violates no provision of the federal Constitution.
2. The second section of the fourth article is inapplicable, because plaintiff is a citizen of the State of whose action she complains, and that section only guarantees privileges and immunities to citizens of other States in that State.
3. Nor is the right to practice law in the State courts a privilege or immunity of a citizen of the United States, within the meaning of the first section of the fourteenth article of amendment of the Constitution of the United States.
4. The power of a State to prescribe the qualifications for admission to the bar of its own courts is unaffected by the fourteenth amendment, and this court cannot inquire into the reasonableness or propriety of the rules it may prescribe.

Mr. Justice MILLER delivered the opinion of the court as follows:

The plaintiff in error, residing in the State of Illinois, made application to the judges of the supreme court of that State for a license to practice law. She accompanied her petition with the usual certificate from an inferior court of her good character, and that on due examination she had been found to possess the requisite qualifications. Pending this application she also filed an affidavit, to the effect "that she was born in the State of Vermont; that she was (had been) a citizen of that State; that she is now a citizen of the United States, and has been for many years past a resident of the city of Chicago, in the State of Illinois." And with this affidavit she also filed a paper, claiming that, under the foregoing facts, she was entitled to the license prayed for by virtue of the second section of the fourth article of the Constitution of the United States, and of the fourteenth article of the amendment of that instrument.

The statute of Illinois on this subject enacts that no person shall be permitted to practice as an attorney or counsellor-at-law, or to commence, conduct, or defend any action, suit, or plaint, in which he is not a party concerned, in any court of record within this State, either by using or subscribing his own name or the name of any other person, without having previously obtained a license for that purpose from some two of the justices of the supreme court, which license shall constitute the person receiving the same an attorney and counsellor-at-law, and shall authorize him to appear in all the courts of record within this State, and there to practice as an attorney and counsellor-at-law, according to the laws and customs thereof.

The supreme court denied the application, apparently upon the ground that it was a woman who made it.

The record is not very perfect, but it may be fairly taken that the plaintiff asserted her right to a license on the grounds, among others, that she was a citizen of the United States, and that having been a citizen of Vermont at one time, she was, in the State of Illinois, entitled to any right granted to citizens of the latter State.

The court having overruled these claims of right, founded on the clauses of the federal Constitution before referred, those propositions may be considered as properly before this court.

As regards the provision of the Constitution, that citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, the plaintiff in her affidavit has stated very clearly a case to which it is inapplicable.

The protection designed by that clause, as has been repeatedly held, has no application to a citizen of the State whose laws are complained

of. If the plaintiff was a citizen of the State of Illinois, that provision of the Constitution gave her no protection against its courts or its legislation.

The plaintiff seems to have seen this difficulty, and attempts to avoid it by stating that she was born in Vermont.

While she remained in Vermont that circumstance made her a citizen of that State. But she states, at the same time, that she is a citizen of the United States, and that she is now, and has been for many years past, a resident of Chicago, in the State of Illinois.

The fourteenth amendment declares that citizens of the United States are citizens of the State within which they reside; therefore plaintiff was, at the time of making her application, a citizen of the United States and a citizen of the State of Illinois.

We do not here mean to say that there may not be a temporary residence in one State, with intent to return to another, which will not create citizenship in the former. But plaintiff states nothing to take her case out of the definition of citizenship of a State as defined by the first section of the fourteenth amendment.

In regard to that amendment counsel for plaintiff in this court truly says that there are certain privileges and immunities which belong to a citizen of the United States as such; otherwise it would be nonsense for the fourteenth amendment to prohibit a State from abridging them; and he proceeds to argue that admission to the bar of a State of a person who possesses the requisite learning and character is one of those which a State may not deny.

In this latter proposition we are not able to concur with counsel. We agree with him that there are privileges and immunities belonging to citizens of the United States, in that relation and character, and that it is these and these alone which a State is forbidden to abridge. But the right to admission to practice in the courts of a State is not one of them. This right in no sense depends on citizenship of the United States. It has not, as far as we know, ever been made in any State, or in any case, to depend on citizenship at all. Certainly many prominent and distinguished lawyers have been admitted to practice, both in the State and Federal courts, who were not citizens of the United States or of any State. But, on whatever basis this right may be placed, so far as it can have any relation to citizenship at all, it would seem that, as to the courts of a State, it would relate to citizenship of the State, and as to federal courts, it would relate to citizenship of the United States.

The opinion just delivered in the Slaughter-house Cases from Louisiana renders elaborate argument in the present case unnecessary; for, unless we are wholly and radically mistaken in the principles on which those cases are decided, the right to control and regulate the granting of license to practice law in the courts of a State is one of those powers which are not transferred for its protection to the federal government, and its exercise is in no manner governed or controlled by citizenship of the United States in the party seeking such license.

It is unnecessary to repeat the argument on which the judgment in those cases is founded. It is sufficient to say they are conclusive of the present case.

The judgment of the State court is, therefore, affirmed.

DISSENTING OPINION.

Mr. Justice BRADLEY said:

I concur in the judgment of the court in this case by which the judgment of the Supreme Court of Illinois is affirmed, but not for the reasons specified in the opinion just read.

The claim of the plaintiff, who is a married woman, to be admitted to practice as an attorney and counsellor-at-law is based upon the supposed right of every person, man or woman, to engage in any lawful employment for a livelihood. The Supreme Court of Illinois denied the application on the ground that, by the common law, which is the basis of the laws of Illinois, only men were admitted to the bar, and the legislature had not made any change in this respect, but had simply provided that no person should be admitted to practice as attorney or counsellor without having previously obtained a license for that purpose from two justices of the supreme court, and that no person should receive a license without first obtaining a certificate from the court of some county of his good moral character. In other respects it was left to the discretion of the court to establish the rules by which admission to the profession should be determined. The court, however, regarded itself as bound by at least two limitations. One was that it should establish such terms of admission as would promote the proper administration of justice, and the other that it should not admit any persons or class of persons not intended by the legislature to be admitted, even though not expressly excluded by statute. In view of this latter limitation the court felt compelled to deny the application of females to be admitted as members of the bar. Being contrary to the rules of the common law and the usages of Westminster Hall from time immemorial, it could not be supposed that the legislature had intended to adopt any different rule.

The claim that, under the fourteenth amendment of the Constitution, which declares that no State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, the statute law of Illinois, or the common law prevailing in that State, can no longer be set up as a barrier against the right of females to pursue any lawful employment for a livelihood, (the practice of law included,) assumes that it is one of the privileges and immunities of women as citizens to engage in any and every profession, occupation, or employment in civil life.

It certainly cannot be affirmed, as a historical fact, that this has ever been established as one of the fundamental privileges and immunities of the sex. On the contrary, the civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution

of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say identity, of interests and views which belong, or should belong, to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband. So firmly fixed was this sentiment in the founders of the common law that it became a maxim of that system of jurisprudence that a woman had no legal existence separate from her husband, who was regarded as her head and representative in the social state; and, notwithstanding some recent modifications of this civil status, many of the special rules of law flowing from and dependent upon this cardinal principle still exist in full force in most States. One of these is, that a married woman is incapable, without her husband's consent, of making contracts which shall be binding on her or him. This very incapacity was one circumstance which the supreme court of Illinois deemed important in rendering a married woman incompetent fully to perform the duties and trusts that belong to the office of an attorney and counsellor.

It is true that many women are unmarried and not affected by any of the duties, complications, and incapacities arising out of the married state, but these are exceptions to the general rule. The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of civil society must be adapted to the general constitution of things, and cannot be based upon exceptional cases.

The humane movements of modern society, which have for their object the multiplication of avenues for woman's advancement, and of occupations adapted to her condition and sex, have my heartiest concurrence. But I am not prepared to say that it is one of her fundamental rights and privileges to be admitted into every office and position, including those which require highly special qualifications and demanding special responsibilities. In the nature of things it is not every citizen of every age, sex, and condition that is qualified for every calling and position. It is the prerogative of the legislator to prescribe regulations founded on nature, reason, and experience for the due admission of qualified persons to professions and callings demanding special skill and confidence. This fairly belongs to the police power of the State; and, in my opinion, in view of the peculiar characteristics, destiny, and mission of woman, it is within the province of the legislature to ordain what offices, positions, and callings shall be filled and discharged by men, and shall receive the benefit of those energies and responsibilities, and that decision and firmness which are presumed to predominate in the sterner sex.

For these reasons I think that the laws of Illinois now complained of are not obnoxious to the charge of abridging any of the privileges and immunities of citizens of the United States.

I concur in the opinion of Mr. Justice Bradley.
FIELD, J.

The Iowa Liquor Cases.

SUPREME COURT OF THE UNITED STATES.

No. 175.—October Term, 1873.

F. Bartemeyer, Sr., Plaintiff in Error, vs. The State of Iowa. } In error to the Supreme Court of the State of Iowa.

1. The usual and ordinary legislation of the States regulating or prohibiting the sale of intoxicating liquors raises no question under the Constitution of the United States prior to the fourteenth amendment of that instrument.
2. The right to sell intoxicating liquors is not one of the privileges and immunities of citizens of the United States which by that amendment the States were forbidden to abridge.
3. But if a case were presented in which a person owning liquor or other property at the time a law was passed by the State absolutely prohibiting any sale of it, it would be a very grave question whether such a law would not be inconsistent with the provision of that amendment which forbids the State to deprive any person of life, liberty, or property without due course of law.
4. While the case before us attempts to present that question, it fails to do it, because the plea, which is taken as true, does not state, in due form and by positive allegation, the time when the defendant became the owner of the liquor sold; and, secondly, because the record satisfies us that this is a moot case, made up to obtain the opinion of this court on a grave constitutional question, without the existence of the facts necessary to raise that question.
5. In such a case, where the supreme court of the State to which the writ of error is directed has not considered the question, this court does not feel at liberty to go out of its usual course to decide it.

Mr. Justice MILLER delivered the opinion of the court as follows:

Bartemeyer, the plaintiff in error, was tried before a justice of the peace on a charge of selling intoxicating liquors, and acquitted. On an appeal to the circuit court of the State, the defendant filed the following plea:

"And now comes the defendant, F. Bartemeyer, sr., and for plea to the information in this cause, says: He admits that at the time and place mentioned in said information he did sell and deliver to one Timothy Hickey one (1) glass of intoxicating liquor called whiskey, and did then and there receive pay in lawful money from said Hickey for the same. But defendant alleges that he committed no crime known to the law by the selling of the intoxicating liquor hereinbefore described to said Hickey, for the reason that he, the defendant, was the lawful owner, holder, and possessor, in the State of Iowa, of said property, to wit, said one glass of intoxicating liquor, sold as aforesaid to said Hickey, prior to the day on which the law was

passed under which these proceedings are instituted and prosecuted, known as the act for the suppression of intemperance, and being chapter sixty-four (64) of the revision of 1860; and that, prior to the passage of said act for the suppression of intemperance, he was a citizen of the United States and of the State of Iowa."

Without any evidence whatever, the case was submitted to the court, the parties waiving a jury, and a judgment was rendered that the defendant was guilty as charged. A bill of exceptions was taken and the case carried to the supreme court of Iowa, and that court affirmed the judgment of the circuit court and rendered a judgment for costs against the present plaintiff in error.

There is sufficient evidence that the main ground relied on to reverse the judgment in the supreme court of Iowa was, that the act of the Iowa legislature on which the prosecution was based was in violation of the Constitution of the United States.

The opinion of that court is in the record, and, so far as the general idea is involved, that acts for the suppressing the use of intoxicating drinks are opposed to that instrument, they content themselves with a reference to the previous decisions of that court, namely: Our House No. 2 vs. The State, 4 G. Greene, 171; Zunhof vs. The State, 4 G. Greene, 526; Santos vs. The State, 2 Iowa, 165. But, referring to the allegation in the plea that the defendant was the owner of the liquor sold before the passage of the act under which he was prosecuted, they say that the transcript fails to show that the admissions and averments of the plea were all the evidence in the case, and that other testimony may have shown that he did not so own and possess the liquor.

The case has been submitted to us on printed argument. That on the part of the plaintiff in error has taken a very wide range, and is largely composed of the arguments familiar to all, against the right of the States to regulate traffic in intoxicating liquors. So far as this argument deals with the mere question of regulating this traffic, or even its total prohibition, as it may have been affected by anything in the federal Constitution prior to the recent amendments of that instrument, we do not propose to enter into a discussion. Up to that time it had been considered as falling within the police regulations of the State, left to their judgment, and subject to no other limitations than such as were imposed by the State constitution, or by the general principles supposed to limit all legislative power. It has never been seriously contended that such laws raised any question growing out of the Constitution of the United States.

But the case before us is supposed by the counsel of plaintiff in error to present a violation of the fourteenth amendment of the Constitution, on the ground that the act of the Iowa legislature is a violation of the privileges and immunities of citizens of the United States which that amendment declares shall not be abridged by the States; and that in his case it deprives him of his property without due process of law.

As regards both branches of this defense, it is to be observed that the statute of Iowa, which is complained of, was in existence long before the amendment of the federal Constitution, which is thus invoked to render it invalid. Whatever were the privileges and immunities of Mr. Bartemeyer, as they stood before that amendment, under the Iowa statute, they have certainly not been abridged by any action of the State legislature since that amendment became a part of the Constitution. And unless that amendment confers privileges and immunities which he did not previously possess, the argument fails. But the most liberal advocate of the rights conferred by that amendment have contended for nothing more than that the rights of the citizen previously existing, and dependent wholly on State laws for their recognition, are now placed under the protection of the federal government, and are secured by the federal Constitution. The weight of authority is overwhelming that no such immunity has heretofore existed as would prevent State legislatures from regulating and even *prohibiting* the traffic in intoxicating drinks, with a solitary exception. That exception is the case of a law operating so rigidly on property in existence at the time of its passage, absolutely prohibiting its sale, as to amount to depriving the owner of his property. A single case, that of Wynehamer vs. The People, 3 Kernan's N. Y. Reports, 486, has held that as to such property the statute would be void for that reason. But no case has held that such a law was void as violating the privileges or immunities of citizens of a State or of the United States. If, however, such a proposition is seriously urged, we think that the right to sell intoxicating liquors, so far as such a right exists, is not one of the rights growing out of citizenship of the United States, and in this regard the case falls within the principles laid down by this court in The Slaughter-House Cases, 16 Wallace.

But if it were true, and it was fairly presented to us, that the defendant was the owner of the glass of intoxicating liquor which he sold to Hickey, at the time that the State of Iowa first imposed an absolute prohibition on the sale of such liquors, then we concede that two very grave questions would arise, namely: 1. Whether this would be a statute depriving him of his property without due process of law; and secondly, whether, if it were so, it would be so far a violation of the fourteenth amendment in that regard as would call for judicial action by this court?

Both of these questions, whenever they may be presented to us, are of an importance to require the most careful and serious consideration. They are not to be lightly treated, nor are we authorized to make any advances to meet them until we are required to do so by the duties of our position.

In the case before us, the supreme court of Iowa, whose judgment we are called on to review, did not consider it. They said that the record did not present it.

It is true the bills of exceptions, as it seems to us, does show that defendant's plea was all the evidence given; but this does not remove the difficulty in our minds. The plea states that defendant was the owner of the glass of liquor sold prior to the passage of the law under which

the proceedings against him were instituted, being chapter sixty-four of the revision of 1860.

If this is to be treated as an allegation that defendant was the owner of that glass of liquor prior to 1860, it is insufficient, because the revision of the laws of Iowa of 1860 was not an enactment of new laws, but a revision of those previously enacted; and there has been in existence in the State of Iowa, ever since the code of 1851, a law strictly prohibiting the sale of such liquors—the act in all essential particulars under which defendant was prosecuted, amended in some immaterial points. If it is supposed that the averment is helped by the statement that he owned the liquor before the law was passed, the answer is that this is a mere conclusion of law. He should have stated when he became the owner of the liquor, or at least have fixed a date when he did own it, and leave the court to decide when the law took effect, and apply it to his case. But the plea itself is merely argumentative, and does not state the ownership as a fact, but says he is not guilty of any offence, because of such fact.

If it be said that this manner of looking at the case is narrow and technical, we answer that the record affords to us on its face the strongest reason to believe that it has been prepared from the beginning for the purpose of obtaining the opinion of this court on important constitutional questions without the actual existence of the facts on which such questions can alone arise.

It is absurd to suppose that plaintiff, an ordinary retailer of drinks, could have proved, if required, that he had owned that particular glass of whiskey prior to the prohibitory liquor law of 1851.

The defendant, from his first appearance before the justice of the peace to his final argument in the supreme court, asserted in the record in various forms that the statute under which he was prosecuted was a violation of the Constitution of the United States. The act of the prosecuting attorney, under these circumstances, in going to trial without any replication or denial of the plea, which was intended manifestly to raise that question, but which carried on its face the strongest probability of its falsehood, satisfies us that a moot case was deliberately made up to raise the particular point when the *real* facts of the case would not have done so. As the supreme court of Iowa did not consider this question as raised by the record, and passed no opinion on it, we do not feel at liberty, under all the cicumstances, to pass on it on this record.

The other errors assigned being found not to exist, the judgment of the supreme court of Iowa is affirmed.

V.

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

The following propositions of amendment were made in the Forty-Second and Forty-Third Congresses, to date:

IN SENATE—THIRD SESSION, FORTY-SECOND CONGRESS.

1873, January 7—Mr. FRELINGHUYSEN proposed a new article:

Disputes arising with regard to the persons chosen as electors of President and Vice President in any State shall be decided by the Supreme Court of the United States.

January 31—Mr. HARLAN proposed a new article:

The Senate of the United States shall be composed of two Senators from each State, chosen by the people of the several States for six years, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature; and if vacancies happen by resignation, or otherwise, in the senatorial representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

IN SENATE—FIRST SESSION, FORTY-THIRD CONGRESS.

1873, December 1—Mr. SUMNER proposed a new article, (preamble omitted:)

The executive power shall be vested in a President of the United States of America; he shall hold his office during the term of four years, and be elected as follows:

The qualified voters shall meet at the usual places of holding elections in their respective States and Territories on the first Monday in April, in the year one thousand eight hundred and seventy-six, and on the first Monday in April every four years thereafter, under such rules and regulations as the Congress may by law prescribe, and vote by ballot for a citizen qualified under the Constitution to be President, and the result of such election in each State and Territy shall be certified, sealed, and forwarded to the seat of government in such manner as the Congress may by law direct.

The Congress shall be in session on the third Monday in May after such election, and on the Tuesday next succeeding the third Monday in May, if a quorum of each House shall be present, and if not, immediately on the presence of such quorum, the Senators and Representatives shall meet in the Representative Chamber in joint convention, and the President of the Senate, in presence of the Senators and Representatives thus assembled, shall open all returns of the election and declare the result. The person having the greatest number of votes cast for President shall be

President, if such number be a majority; if no person have such majority, or if the person having such majority decline the office or die before the counting of the vote, then the President of the Senate shall so proclaim; whereupon the joint convention shall order the proceedings to be officially published, stating particularly the number of votes for each person as President.

Another election shall thereupon take place on the second Tuesday of October next succeeding, at which election the duly-qualified voters shall again meet at the usual places of holding elections in their respective States and Territories, and vote for one of the three persons having the highest number of votes at the preceding election in April, and the result of such election in each State and Territory shall be certified, sealed, and forwarded to the seat of Government as provided by law.

On the third Tuesday in December after such second election, or as soon thereafter as a quorum of each House shall be present, the Senators and Representatives shall again meet in joint convention, and the President of the Senate, in presence of the Senators and Representatives thus assembled, shall open all the returns of the election, and declare the person having the highest number of votes duly elected President for the ensuing term.

No person elected to the office of President shall thereafter be eligible for re-election.

In case of the removal of the President from office by impeachment, or of his death, resignation, or inability to discharge the powers and duties of the office, the same shall devolve temporarily on the head of an Executive Department senior in years. If there be no head of an Executive Department, then the Senator senior in years shall act as President until a successor is chosen and qualified.

If Congress be in session at the time of the death, resignation, disability, or removal of the President, the Senators and Representatives shall meet in joint convention, under such rules and regulations as the Congress may by law prescribe, and proceed to elect by *viva voce* vote a President to fill such vacancy, each Senator and Representative having one vote. A quorum for this purpose shall consist of a majority in each House of the Senators and Representatives duly elected and qualified, and a majority of all the votes given shall be neccessary to the choice of a President. The person thus elected as President shall discharge all the powers and duties of the office until the inauguration of the President elected at the next regular election.

If Congress be not in session at the time a vacancy occurs, then the Acting President shall forthwith issue a proclamation convening Congress within thirty days after the occurrence of such vacancy.

On the presence of a quorum in each House, the Senators and Representatives shall meet in joint convention and elect a President, as before provided.

The office of Vice-President is abolished.

The Senate shall choose their own presiding officer.

December 1—Mr. SUMNER proposed a new article, (preamble omitted:)

The term of the President and Vice-President shall be for six years. And no person who has once held the office of President shall be thereafter eligible to that office.

December 1—Mr. WINDOM proposed a new article:

That article one, section three, be amended to read as follows:

The Senate of the United States shall be composed of two Senators from each State, chosen by the persons qualified to vote for members of the most numerous branch of the legislature thereof, for six years; and each Senator shall have one vote.

December 10—Mr. HAMILTON of Maryland proposed a new article, (preamble omitted:)

The United States shall never make anything but gold and silver coin a tender for the payment debts, either public or private.

1874, May 19—Mr. WRIGHT proposed a new article:

SECTION 1. All claims and demands against the United States shall be presented or prosecuted within ten years, at least, next after they accrue or arise, and not after. And it shall not be competent for Congress or any Department of the Government, judicial or otherwise, to allow any claim or demand presented after that date.

May 25—Mr. STEWART proposed a new article.

If any State shall fail to maintain a common-school system, under which all persons between the ages of five and eighteen years not incapacitated for the same shall receive, free of charge, such elementary education as Congress may prescribe, the Congress shall have power to establish therein such a system, and cause the same to be maintained at the expense of such State.

May 28—Mr. MORTON, from the Committee on Privileges and Elections, reported this new article:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, (two-thirds of each House concurring therein:) That the following article is hereby proposed as an amendment to the Constitution of the United States, and, when ratified by the Legislatures of three-fourths of the several States, shall be valid, to all intents and purposes, as a part of the Constitution, to wit:

"ARTICLE —.

"I. The President and Vice President shall be elected by the direct vote of the people in the manner following: Each State shall be divided into districts, equal in number to the number of Representatives to which the State may be entitled in the Congress, to be composed of contiguous territory, and to be as nearly equal in population as may be; and the person having the highest number of votes in each district for President shall receive the vote of that district, which shall count one presidential vote.

"II. The person having the highest number of votes for President in a State shall receive two presidential votes from the State at large.

"III. The person having the highest number of presidential votes in the United States shall be President.

"IV. If two persons have the same number of votes in any State, it being the highest num-

ber, they shall receive each one presidential vote from the State at large; and if more than two persons shall have each the same number of votes in any State, it being the highest number, no presidential vote shall be counted from the State at large. If more persons than one shall have the same number of votes, it being the highest number in any district, no presidential vote shall be counted from that district.

"V. The foregoing provisions shall apply to the election of Vice President.

"VI. The Congress shall have power to provide for holding and conducting the elections of President and Vice President, and to establish tribunals for the decision of such elections as may be contested."

VII. The States shall be divided into districts by the legislatures thereof, but the Congress may at any time by law make or alter the same.

NOTE.—The present mode of election is:

"Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector." (Art. II, sec. 2.)

"The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for this purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States." (Amendments, Art. XII.)

IN HOUSE—THIRD SESSION, FORTY-SECOND CONGRESS.

1872, December 9—Mr. JOHN LYNCH proposed a new article:

All citizens of the United States who are qualified to vote for Representatives to Congress shall meet at the places within their respective States where they are entitled to vote for such Representatives, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President and the person voted for as Vice President, and the votes thus cast shall be transmitted to the secretary of state in the State where such votes are cast, who shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which list he shall sign and certify, and transmit sealed to the seat of Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of votes cast; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President, as in the case of death or other constitutional disability of the President.

SEC. 2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of votes cast; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

December 9—Mr. HIBBARD proposed a new article:

Congress shall have power to provide by law for holding elections for the choice of State

officers in all the States on the same day: *Provided*, That such elections during every fourth year shall be held on the same day as the presidential election, and during every second year on the same day as congressional elections: *And provided further*, That this article shall not be construed as prohibiting any State from holding its elections for the choice of State officers less frequent than once in each year.

December 9—Mr. BANKS proposed a new article:

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of six years. No person elected to the office of President shall thereafter be eligible for re-election.

The Vice President shall hold his office during the term of six years. The President and Vice President shall be chosen by the electors qualified to vote in the election of Representatives to the Congress of the United States at an election which shall be held for that purpose, on the same day appointed in the several States for the election of Representatives to Congress, in such manner and under such regulations as Congress may by law direct.

December 9—Mr. COGHLAN proposed a new article:

The public lands of the United States (mineral lands excepted) shall not be disposed of except to actual settlers thereon, for homestead purposes only, and in quantities limited by general laws.

December 20—Mr. PORTER proposed a new article:

The President and Vice President shall be chosen by the electors qualified to vote for Representatives to the Congress. The person having the greatest number of votes for President shall be the President; and if there be two or more receiving the highest numbers, and who have an equal number of votes for President, then the House of Representatives shall choose, by a *viva voce* vote, one of them for President; a quorum for this purpose shall consist of two thirds of the Representatives elected to the Congress; and if upon the first vote no one shall have a majority of the whole number of said Representatives, the House shall immediately proceed to a second vote, in which a plurality of votes shall prevail; but if there be two or more receiving the highest numbers, and who have equal votes, then the Speaker shall determine the question by announcing his vote. The person having the greatest number of votes for Vice President shall be the Vice President; and if there be two or more receiving the highest numbers, and who have an equal number of votes for Vice President, then the House of Representatives shall choose one of them for Vice President, in the same manner and under the same proceedings as above provided for the election of the President by the same body.

December 20—Mr. PORTER proposed a new article:

The Senate of the United States shall be composed of two Senators from each State, chosen for six years by the electors thereof qualified to vote for Representatives to the Congress; and each Senator shall have one vote.

1873, January 6—Mr. PORTER proposed a new article:

The House of Representatives shall be composed of members chosen every fourth year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

The election for members shall take place at the same time as provided by law for the appointment of electors of President and Vice President.

January 13—Mr. BENJAMIN F. MEYERS proposed a new article:

Congress shall have power to impose duties on imports and collect the same for the payment of the principal and interest of the public debt of the United States, but for no other purpose. The present public debt of the United States shall be consolidated at a uniform rate of interest to be fixed by Congress, and shall be extinguished by the payment of fifty millions of dollars of the principal annually, and the interest thereon shall be paid semi-annually. The current annual expenses of the Government of the United States shall be assessed upon the several States and Territories in the proportion that the valuation of property in each State and Territory bears to the aggregate valuation of the property of all the States and Territories as returned in the latest census, notice to be given annually to the Executive of each State and Territory of such assessment by the President of the United States; and if any State or Territory fail to pay the sum so assessed upon it into the Treasury of the United States within one year after notice has been given to its Executive of such assessment, the United States shall collect it in such manner as Congress may prescribe.

January 13—Mr. PORTER proposed a new article:

The Congress, whenever three-fifths of both Houses shall deem it necessary, may propose amendments to this Constitution, or may call a convention for proposing amendments and revising the Constitution, and shall call such convention on the application of the legislatures of any number of States embracing three-fifths of the enumerated population of the several States, which in either case shall be valid, to all intents and purposes, as part of this Constitution, when approved and ratified by a majority of the electors in the several States voting thereon, and qualified to vote for Representative to the Congress.

February 17—Mr. PORTER proposed a new article:

SECTION 1. The President and Vice President shall be chosen by the electors in the several States qualified to vote for Representatives to the Congress. The person having the greatest number or plurality of votes for President shall be the President; and if there be two or more receiving the highest numbers, and who have an equal number of votes for President, then the House of Representatives shall choose, by *viva voce* vote, one of them for President; and if upon the first vote no one shall have a majority of the whole number of votes cast, the House shall immediately proceed to a second vote, in which a

plurality of votes shall prevail; but if there be two or more receiving the highest number, and who have equal votes, then the Speaker shall determine the question by announcing his vote. The person having the greatest number or plurality of votes for Vice President shall be the Vice President; and if there be two or more receiving the highest numbers, and who have an equal number of votes for Vice President, then the House of Representatives shall choose one of them for Vice President, in the same manner and under the same proceedings as above provided for the election of the President by the same body.

[1872, December 16—There was a vote in the House on the proposed amendment of Mr. MORGAN, to make naturalized citizens eligible to the offices of President and Vice President. The vote was on suspending the rules so as to consider and pass it, and was yeas 82, nays 71. For previous votes the previous year, on same question, see McPherson's Hand Book of Politics for 1872, p. 41.]

IN HOUSE—FIRST SESSION, FORTY-THIRD CONGRESS.

1873, December 4—Mr. ARTHUR proposed a new article:

No law increasing the compensation of Senators or Representatives for their services shall apply to the Congress which enacts it.

December 4—Mr. DE WITT proposed a new article:

No law increasing the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

December 4—Mr. MCCRARY proposed a new article:

All civil officers of the United States, except judges of the supreme and inferior courts, the heads of departments, and those whose duties are temporary in their character, shall hold office for a term of four years, unless a longer term shall be fixed by law. Congress may by law provide for the election by the people of postmasters and other officers whose duties are to be performed within the limits of any State or part of a State; but the President shall have the power of removal of any such officer, whether appointed or elected, for any cause affecting the incumbent's character, habits, or other qualifications, excepting political or religious opinions.

December 8—Mr. EUGENE HALE proposed a new article:

No law increasing the compensation of Senators or Representatives for their services shall apply to the Congress which enacts it.

1874, January 5—Mr. COBURN proposed a new article:

Congress may by law vest the election of all officers of the United States whose duties require them to reside in the several States, except judges and officers of the courts of the United States, in the people of the several States, districts, and localities therein, not in insurrection or rebellion, in which they are by law required to perform their duties, subject to the directions and regulations of the President of the United States and the heads of Departments, and to arrest, suspension, or removal by the President of the United States.

April 14—Mr. CREAMER proposed a new article:

SECTION 1. The Senate of the United States shall be composed of two Senators from each State, chosen by the people of the several States for six years, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature; and if vacancies happen by resignation or otherwise in the senatorial representation from any State, the executive thereof shall issue writs of election to fill such vacancies.

May 11—Mr. MORRISON proposed a new article:

1. From and after the next election for a President of the United States, the President shall hold his office during the term of six years, and, together with the Vice President chosen for the same term, be elected in the manner as now provided, or may hereafter be provided; but the President shall not be eligible for more than six years in any term of twelve years.

June 1—Mr. ISAAC C. PARKER proposed a new article:

The Senate of the United States shall be composed of two Senators from each State, chosen every sixth year by the people of the several States, for the term of six years, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature; and each Senator shall have one vote.

ARTICLE II. Congress shall have power to provide for holding and conducting the elections in the several States for Senators, and the Senate shall decide such elections as may be contested.

Report of the Judiciary Committee of the House of Representatves on a petition asking Congress for "an acknowledgment of Almighty God and the Christian religion" in the Constitution of the United States, February 18, 1874.

Mr. BENJAMIN F. BUTLER, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom was referred the petition of E. G. Goulet and others, asking Congress for "an acknowledgment of Almighty God and the Christian religion" in the Constitution of the United States, having considered the matter referred to them, respectfully pray leave to report:

That, upon examination even of the meagre debates by the fathers of the Republic in the convention which framed the Constitution, they find that the subject of this memorial was most fully and carefully considered, and then, in that convention, decided, after grave deliberation, to which the subject was entitled, that, as this country, the foundation of whose government they were then laying, was to be the home of the oppressed of all nations of the earth, whether Christian or Pagan, and in full realization of the dangers which the union between church and

state had imposed upon so many nations of the Old World, with great unanimity that it was inexpedient to put anything into the Constitution or frame of government which might be construed to be a reference to any religious creed or doctrine.

And they further find that this decision was accepted by our Christian fathers with such great unanimity that in the amendments which were afterward proposed, in order to make the Constitution more acceptable to the nation, none has ever been proposed to the States by which this wise determination of the fathers has been attempted to be changed. Wherefore, your committee report that it is inexpedient to legislate upon the subject of the above memorial, and ask that they be discharged from the further consideration thereof, and that this report, together with the petition, be laid upon the table.

The petition was accordingly laid on the table.

VI.

CONSTITUTIONAL AMENDMENTS, MADE AND PENDING, IN THE SEVERAL STATES.

Arkansas.

The several disfranchising clauses of the old constitution were stricken out by amendment, ratified by the people, 1874: For amendment 24,203, against it 3,604. [For these disfranchising clauses, see McPherson's Reconstruction, p. 328.]

California.

[Amendments proposed by the Legislature at its twentieth session; to be passed upon by the succeeding Legislature; and subsequently referred to the people.]

ARTICLE I.

* * * In civil cases, if three-fourths agree upon a verdict, it shall be taken as the verdict of the jury.

Section 8 provides that no person, "without his written consent," shall be held to answer for a capital or infamous crime, &c., unless on presentment or indictment; that "the Legislature may fix, at not less than twelve, the number of grand jurors to form a panel, or to find an indictment;" that private property shall not be taken "or damaged" for public use without just compensation "first made;" and "the presentment or indictment mentioned in this section may be amended by the court in matter of form in such manner as the Legislature may by statute provide."

Section 11 prescribes that all laws of a general nature shall have a uniform operation "upon the same class of subjects."

The restriction, "and in time of war no appropriation for a standing army shall be for a longer time than two years," is omitted.

ARTICLE II.

* * * Nor shall any person in the military, naval, or marine service of the United States, by reason of being stationed in any military or naval station within the State, be considered a resident of this State.

* * * All elections by persons in a representative capacity shall be *viva voce*.

Any person who shall give, or promise or offer to give, to any elector, any money, reward, or other valuable consideration for his vote at an election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party for such elector's vote, or for the withholding thereof, and any elector who shall receive, or agree to receive, for himself or for another, any money, reward, or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this State; and any person convicted of willful violation of the election laws, shall, in addition to any penalty provided by law, be deprived of the right of suffrage absolutely for a term of four years.

In trials of contested elections, and proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon any ground; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

ARTICLE IV.

SEC. 7. The number of members of the Senate shall be forty, and of the Assembly eighty. After the population of the State exceeds one million, the Legislature may, by statute, increase the number of members of the Assembly, not to exceeding one hundred and twenty. When the number shall be increased, the rule of apportionment herein prescribed shall not apply to the excess over eighty until each county in the State shall be allowed one member of the Assembly.

In forming a Congressional, Senatorial, or

Assembly District, a county shall not be divided so as to attach one portion of a county to another county.

Members of the Legislature and its officers shall receive such salary, or per diem and mileage, for regular and special sessions, as shall be previously fixed by statute; and no other compensation whatever, whether for services on committee or otherwise, shall be allowed. No member of either House, or officer or employee of either House, shall, during the term for which he may have been elected or appointed, receive any increase of salary or mileage under any law or resolution passed during such term.

* * * A member expelled for corruption shall not thereafter be eligible to an election as a member of either House. * * *

SEC. 19. The Legislature shall provide, by statute, for the taking the testimony in contests for seats in either House; such statutes must prescribe that all testimony shall be taken before the time fixed for the regular meeting of the Legislature. All such contests must be finally determined within one week after the organization of the two Houses.

The Legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each House; and no payment shall be made from or authorized to be made out of the Treasury for services connected with the sessions of the Legislature, unless such service be first authorized and the compensation fixed by statute.

No bill shall be passed into a statute until it has been printed in the House where it originated, for the use of both Houses, and referred to and returned from a committee in each House, and read once at length in each House.

Lotteries and the sale of lottery policies or tickets within this State are unlawful. All lottery policies or tickets, or prizes drawn in lotteries within this State, are forfeited to the State, to be recovered by action brought in the name of the people of the State by the Attorney General.

The Legislature shall not pass any local or special statute authorizing the creation, extension, or impairing of liens regulating the affairs of counties, cities, townships, road, or school districts; changing the names of persons or places; changing the place of trial in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets, alleys, or sewers; relating to ferries or bridges; vacating roads, town plats, streets, or alleys; relating to cemeteries or other public grounds; authorizing the adoption or legitimation of children; locating or changing county seats; incorporating towns or cities; for opening and conducting elections, or fixing or changing places of voting; granting divorces, confirming the deeds or certificates of acknowledgment of married women; confirming any void judicial proceeding, tax, or assessment, or any grant founded thereon; erecting new townships or other territorial divisions in a county; creating officers, or prescribing the powers and duties of officers in counties, cities, townships, or districts; changing the laws of succession or descent; regulating the practice or production of, or rules of evidence in, any judicial proceeding or inquiry before the courts or other tribunals, or providing for or changing methods of the collection of debts or enforcing of judgments; regulating fees of office; affecting the estates of minors, or others under disabilities, except after notice to all parties in interest, which shall be recited in the special act; remitting fines, penalties, or forfeitures, or refunding of moneys legally paid into the Treasury; regulating labor, trade, mining, or manufacturing; creating corporations or amending, renewing, or extending their charters; granting to any corporation, association, or person, any special or exclusive privilege or immunity, or the right to make a railroad.

No act shall be passed giving extra or additional pay, or relief, or compensation to any public officer, servant, employee, or agent of, or contract under, this State, or any department thereof, or of or under any county or city in this State.

No act shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

No act of the Legislature shall limit the amount to be recovered for injuries resulting in death or for injuries to persons or property. In cases of death from injuries received by or through the carelessness, negligence, or willful misconduct of any person or corporation, the right of action shall survive, and the Legislature shall prescribe by and for whose benefit such shall be prosecuted. Until the Legislature shall so prescribe, such right of action shall survive to and may be prosecuted by the personal representatives of the deceased. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons.

No State office shall be continued or created for the inspection or measurement of any merchandise, or manufacture, or commodity; but the Legislature may, by general law, provide for such inspection and measurement by municipal or county officers.

The Legislature shall pass no statute agreeing to pay, or providing for the payment from the State treasury, or by any municipal corporation, of any bonds or other obligation of any person or corporation, or to provide for the payment of any interest on such bonds or obligation; and shall pass no statute concurring or authorizing the loan of the credit of the State, or any municipal corporation, to any person or corporation.

The Legislature shall never grant or authorize extra compensation, fee, or allowance to any public officer, agent, or servant, or contractor, after service has been rendered or contract made, nor authorize the payment of any claim or part thereof hereafter created against the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements shall be null and void, provided this section shall not extend to and prevent appropriations for expenditures incurred in suppressing insurrection or repelling invasions.

The Legislature shall have no power to release

or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State, or to any municipal corporation therein.

The Legislature shall by statute protect the wages of labor, provide for liens of mechanics and laborers, and for the exemption of a reasonable amount of property from execution and forced sale.

Any statute concerning corporations may at any time be altered, amended, or repealed, and all corporations shall, if required by statute, conform to any such alteration or amendment, or be dissolved by such repeal.

* * * And the Legislature shall prohibit by law the creation of paper to circulate as money.

When the Legislature is convened in special session by proclamation of the Governor, there shall be no legislation on subjects not designated in such proclamation.

The presiding officer of each House shall, in the presence of the House over which he presides, sign bills and joint resolutions passed in such House immediately after the titles of such bills have been publicly read. The fact of signing shall be entered in the journal.

No money shall be drawn from or paid out of the treasury of State, except it be pursuant to and in accordance with a specific appropriation for a particular purpose made by statute, and then only on warrants drawn by the proper officer; and no appropriation shall be made for more than two years.

No Senator or member of the Assembly shall be elected or appointed to any civil office of profit in this State during the term for which he shall have been elected, or for one year thereafter, which office shall have been created, or the emoluments of which shall have been increased, during his term of office.

Any member of the Legislature who shall solicit, demand, receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, testimonial, reward, thing of value, enjoyment, or of personal advantage, or promise thereof, or the influence of another to obtain for himself any office of honor or profit for his vote or official influence, or for withholding the same, or with an understanding, express or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter, or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter, or thing to another, shall be held guilty of bribery within the meaning of this constitution and the penal code, and shall incur the penalties provided in such code, and be subject to such further punishment as shall be provided by statute.

Any person who shall directly or indirectly offer, give, or promise any money, thing of value, testimonial, privilege, or personal advantage to any officer, legislative, executive, or judicial, to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and punished as provided by statute.

The offense of corrupting members of the Legislature or public officers of this State, or of any municipal division thereof, and any occupation or practice of solicitation of such member or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

Any person may be compelled to testify, in any lawful investigation or judicial proceeding, against any person who may be charged with having committed the offense of bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office of honor or profit in this State.

The Legislature shall not act upon any amendment proposed to the Constitution of the United States until at least one general election intervene between the time such amendment is proposed and the time of action thereon.

Article V.

The Governor shall have power to remit fines and forfeitures imposed as a punishment for crimes; to grant reprieves, commutations of sentences, and pardons, except in cases of disqualification from holding office or enjoying the right of suffrage, declared by this constitution as a punishment for crime. But no pardon shall be granted, or sentence commuted, except upon the recommendation, in writing, of the Lieutenant Governor, Secretary of State, and Attorney General, or a majority of them, after full hearing, upon due public notice of time and place; and such recommendations, and the reasons therefor, shall be filed in the office of the Secretary of State.

The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items; and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto.

The emoluments of all State officers shall be fixed prior to the election to such office, and such emoluments shall not be increased or diminished during such term, nor shall any additional pay be allowed for additional services required of such officer.

Article VI.

The Supreme Court shall consist of a chief justice and six associate justices.

* * * *

Sections 3, 4, and 5 provide that the justices of the Supreme Court shall be chosen at general instead of special elections; shall hold office fourteen years; a term expiring every two years; vacancies by death, &c., to be filled by appointment

by Governor until next general election; and that at the election for justices of the Supreme Court, next after the adoption of these amendments, no elector shall vote for more than four persons for such position.

Sections 10, 11, and 12 provide that each county is a judicial district; judges shall be elected at the general election next after the adoption of these amendments; vacancies by death, &c., filled by Governor, until next general election; every county of 20,000 inhabitants to have one such judge; counties containing more than 20,000 may elect such further number of such judges as shall be prescribed by statute, not exceeding one for every 20,000 inhabitants and one for such fraction as shall exceed 10,000.

The justices of the Supreme Court and the district judges shall be ineligible to any other office than a judicial office during the term for which they shall have been elected, and shall, before entering upon their offices, in addition to the oath of office, take and subscribe an oath that they will not, during such term, accept any federal office.

ARTICLE VIII.

Section 1 provides that "all things and choses in action, subject to ownership, sale, devise, descent, distribution, or assignment, shall be deemed property for purposes of taxation."

The present bonded debt of the State is valid, and the Legislature shall provide by statute for the payment thereof.

Section 3 provides against any increase of the State debt above $300,000, except in case of war, to repel invasion, &c., "or for the purposes of carrying out a general system of irrigation, or to provide the means of payment, if it becomes necessary to condemn to the use of the State the railroads within its limits."

The comptroller shall determine and publish, when the limit of the public debt allowed by this constitution has been reached, and all other or further obligations of the State shall be void.

Neither the credit of the State nor of any municipal corporation authorized under the laws thereof shall be pledged or loaned to any individual, company, corporation, or association; nor shall the State or any municipal corporation become a joint owner of or a stockholder in any company, association, or corporation; nor shall the State or any municipal corporation become bound to pay any bond, or interest on any bond or other obligation of any individual, association, or corporation; and no county or other municipal corporation under the laws of this State shall incur any obligation to raise money for the construction of any work not exclusively under the control of public officers.

ARTICLE IX.

The boundaries of counties shall be established by statute, and no statute shall be passed changing a county boundary, until it be shown to the Legislature that a notice was published in some newspaper of general circulation in the counties to be affected by such change at least thirty days before the last general election, stating that application would be made to the Legislature for such change.

* * Salaries of county officers and pay allowed by law shall not be increased or diminished during the time for which they shall be elected.

No debt shall be incurred by any municipal corporation, except in pursuance of an order or ordinance previously made therefor by the municipal authorities, which order or ordinance shall provide for the payment thereof.

Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

The Legislature may vest the corporate authorities of cities, or consolidated cities and counties, with power to make local improvements, by special assessment or by special taxation of contiguous property, or otherwise.

ARTICLE X.

SEC. 2. Each stockholder shall be individually and personally liable for his proportion of all debts and liabilities of a corporation created or incurred while he remains such stockholder.

The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the Legislature from taking the property and franchises of corporations, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

No corporation shall engage in any business other than that expressly authorized in its charter; nor shall it take or hold any real estate, except such as may be necessary and proper for its legitimate business.

No corporation shall issue stocks or bonds except for money, labor done, or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the two-thirds in value of the stock, first obtained at a meeting to be held after sixty days' notice, given in pursuance of law.

No railroad or telegraph company shall consolidate with or hold an interest in the stock or bonds of any other railroad or telegraph company, nor shall the same persons be officers in corporations owning competing lines of railroads or telegraphs.

No railroad or telegraph company shall lease, or in any manner manage or control, the railroad or telegraph line of another company.

All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads; and no undue or unreasonable discrimination shall be made in charges for, or in facilities for transportation of freight or passengers within the State, or coming from or going to any other State. Persons and property transported over any railroad shall be

delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

The Legislature shall pass statutes to correct abuses and prevent unjust discrimination and extortion in the rates of freights and fares on the railroads in the State, and provide for the enforcement of such statutes by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of property and franchises.

Every railroad corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which books shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock, and the amounts owned by them respectively, the transfers of said stock, and the names and places of residence of its officers.

All railroads shall be public highways, and all railroad companies shall be common carriers. Any corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads in other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad; and shall receive and transport each others' passengers, tonnage, and cars, loaded or empty, without delay or discrimination, in such manner as may be prescribed by general statute.

No president, director, officer, or employee of any railroad company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

No railroad, railway, or other transportation company shall grant free passes, or passes at a discount, to any public officers.

ARTICLE XI.

The Legislature shall provide for the maintenance of and support of a thorough and efficient system of public schools, wherein all the children within the State may be educated.

All public moneys raised for school purposes, all moneys, lands, and other property, which have heretofore or shall hereafter come to the State for school purposes, and the proceeds, rents, issues, and profits of such lands and other property, shall be appropriated exclusively to the support of the common school system of this State.

ARTICLE XII.

Article X of the existing constitution is changed to article XII, and the first section thereof is so changed as to permit an amendment of the constitution to be made by one Legislature and a ratification vote by the people, instead of by the affirmative vote of two successive Legislatures and a ratifying popular vote.

Florida.

[These amendments were adopted at the late session of the Legislature, and if ratified at the next session, will be submitted to popular vote.]

ARTICLE IV.

SEC. 2. From and after the first Tuesday after the first Monday in January, A. D. 1877, the regular sessions of the Legislature shall be held biennially, commencing on said day, and on the corresponding day of every second year thereafter, but the Governor may convene the same in extra session by his proclamation.

SEC 29. The Assembly shall have the sole power of impeachment, but a vote of two-thirds of all the members present shall be required to impeach any officer; and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

The Senate may adjourn to a fixed day for the trial of any impeachment, and may sit for the purpose of such trial, whether the Assembly be in session or not; but the time fixed for such trial shall not be more than six months from the time articles of impeachment shall be preferred by the Assembly.

The Chief Justice shall preside at all trials by impeachment, except in the trial of the Chief Justice, when the Lieutenant Governor shall preside.

The Governor, Lieutenant Governor, members of the Cabinet, Justices of the Supreme Court, and Judges of the Circuit Court, shall be liable to impeachment for any misdemeanor in office: but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other officers who shall have been appointed to office by the Governor, and by and with the consent of the Senate, may be removed from office upon the recommendation of the Governor and consent of the Senate, but they shall nevertheless be liable to indictment, trial, and punishment according to law for any misdemeanor in office; all other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

ARTICLE V.

SEC. 14. A Lieutenant Governor shall be elected at the same time and places and in the same manner as the Governor, whose term of office and eligibility shall also be the same. He shall be the President of the Senate, but shall only have a casting vote therein.

In the case of the impeachment of the Governor, or his removal from office, death, inability to discharge his official duties, or resignation, the power and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease.

In the case of the impeachment of the Lieutenant Governor, or his removal from office, death, inability to discharge his official duties,

or resignation, the power and duties of the office shall devolve upon the President *pro tem.* of the Senate.

But the Governor shall not, without the consent of the Legislature, be out of the State in time of war.

Section 15 is abrogated.

SEC. 16. The Governor may at any time require the opinion of the Justices of the Supreme Court as to the interpretation of any portion of this Constitution upon any question affecting his executive powers and duties, and the Justices shall render such opinion in writing.

SEC. 22. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law; and the item or items of appropriations disapproved shall be void unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto.

ARTICLE VI.

Sections 5, 7, and 8 relate to the powers and jurisdiction of the Supreme and Circuit Courts, and as to the appointment and terms of the five circuit judges.

Section 10 is abrogated.

Section 11 describes the powers of the county court and its judges.

SEC. 12. Grand and petit jurors shall be taken from the registered voters of the respective counties. The number of jurors for the trial of causes in any court may be fixed by law.

SEC. 15. The Governor shall appoint as many justices of the peace as he may deem necessary. * * * They may hold their offices for the term of four years, subject to removal by the Governor for reasons satisfactory to him.

ARTICLE XII.

SEC. 7. The Legislature shall have power to provide for issuing State bonds bearing interest for securing the debt of the State, for the erection of State buildings, and for the support of State institutions; but the credit of the State shall not be pledged or loaned to any individual, company, or corporation, or association; nor shall the State become a joint owner or stockholder in any company, association, or corporation.

The Legislature shall not authorize any county, city, or borough, township, or incorporated district to become a stockholder in any company, association, or corporation, or to obtain or appropriate money for or to loan its credit to any corporation, association, institution, or individual.

ARTICLE XVI.

Section 3 defines the several judicial circuits.

Sections 7 and 8 are abrogated.

SEC. 24. The property of all corporations, whether heretofore or hereafter incorporated, shall be subject to taxation, unless such property be held for religious, educational, or charitable purposes.

Iowa.

The proposed constitutional amendment allowing female suffrage passed the House—yeas 56, nays 38; not voting 6.

Kentucky.

Under act of December 18, 1873, the sense of the people of the State, as to the propriety of calling a convention to revise the constitution, is to be taken at the next general election—November, 1874.

Michigan.

[The following amendments to the constitution were proposed by the constitutional commission of 1873; reviewed by the Legislature, being adopted in the shape of a joint resolution, (Senate—yeas 25, nays 3; House—yeas 77, nays 16,) to be submitted to the people for ratification or rejection at the general election in November, 1874.]

ARTICLE II.

* * * No special privilege or immunity shall be granted that may not be revoked.

* * * No person shall be compelled * * * against his consent to contribute to the erection or support of any place of religious worship. * * *

Nor shall any witness be questioned as to his religious belief.

* * * The Legislature may authorize, in courts not of record, a trial by a jury of a less number than twelve; in all courts, in civil cases, a verdict by not less than two-thirds of the jury; and in criminal cases, by consent of parties, a discharge of not more than one juror and a verdict by the remainder.

* * * No person shall be compelled, in any criminal case, to be a witness against himself; but if any person shall elect to make a statement in his own behalf, he shall be subject to cross-examination relative to the matter of such statement.

ARTICLE IV.

The Senate shall consist of thirty-three members, * * * * to serve, after first election in the odd-numbered districts, four years. * * *

SEC. 3. The House of Representatives shall consist of one hundred and ten members, to be apportioned among the several counties and districts, according to an equal ratio of population, as near as may be. Each county having a ratio of representation, and a fraction over equal to one-third of such ratio, shall be entitled to two Representatives, and above that number one additional Representative for each additional ratio; but every organized county containing a population of not less than one-third of the ratio of representation, and every two or more contiguous organized counties containing a like population, shall be entitled to a Representative. Every unorganized county shall be attached to a Representative district. Representatives shall be chosen for two years and by single districts. * * *

Bills may originate in either House, but no bill or new subject of legislation shall be introduced after the expiration of the first fifty days of the session, except on recommendation of the Governor by special message.

Section 15 allows compensation of $4 per day, and ten cents mileage each way, to members of the Legislature.

No person elected a member of the Legislature shall receive any civil appointment other than that of notary public from the Governor, the Governor and Senate, from the Legislature, or any other State authority, or be eligible to any office which shall have been created, or the emoluments of which shall have been increased, by the Legislature of which he is a member, until the expiration of the term for which he is elected. All such appointments, and all votes given for any person so elected for any such office or appointment, shall be void. No member of the Legislature shall be interested, directly or indirectly, in any contract with the State or any municipal corporation authorized by any law passed during the time for which he is elected, until one year after the expiration of his legislative term.

* * * No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct by a two-thirds vote of the members elected to each House; such vote to be taken by yeas and nays, if demanded by any member.

* * * No * * officer of the State shall be interested, directly or indirectly, in any * * contract with the State.

The legislature shall not pass local or special laws in any of the following enumerated cases: Divorcing any named party, or upon the subject of divorce; changing the names of persons or places; regulating the jurisdiction and duties of justices of the peace or constables; providing for changes of venue in civil or criminal cases; granting any special powers to boards of supervisors; summoning and impaneling grand or petit jurors; regulating the rate of interest on money; authorizing the sale, lease, or mortgage of real estate belonging to minors, or by executors or administrators, or by any religious corporation or society; chartering or licensing ferries or toll bridges; remitting fines, penalties, or forfeitures; creating, increasing, or decreasing fees, percentages, or allowances of public officers; changing the law of descent; granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever; declaring any named person of age; extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties; punishing crimes or misdemeanors; adopting, by any person, any named person as his child or heir; vacating or altering any road laid out by commissioners of highways, or any street, alley, or public ground in any city or village or in any recorded town plat, or for altering the boundaries of any school district, for building or repairing bridges, or for draining swamp or other low lands, except by expenditure of grants to the State; exempting any property from taxation. The Legislature shall provide by general laws for the cases enumerated in this section, and for all other cases which, in its judgment, may be provided for by general laws.

Section 24 omits the words "but no money shall be appropriated for the payment of any religious services in either House of the Legislature."

The Legislature shall not authorize any lottery or permit the sale of lottery tickets.

No money shall be appropriated or drawn from the treasury of this State, or of any municipal corporation, for the benefit of any religious sect or society, theological or religious seminary, or school under private or denominational control; nor shall property belonging to the State or any municipal corporation be appropriated for any such purpose.

The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year eighteen hundred and eighty-four, and every ten years thereafter, and for the collection of such general statistics and information as shall be deemed necessary.

Article V.

The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items; and the part or parts approved shall be the law, and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto.

Article VI.

The Supreme Court is continued, subject to the provisions of this article. The Legislature shall provide for one additional judge, so that the court shall consist of five members, to be chosen by the electors of the State, and for a classification of judges, so that one shall go out of office every two years. The judge having the shortest time to serve shall be chief justice during the remainder of his term of office. The term of office of a judge of the Supreme Court shall be ten years. A judge of the Supreme Court may be assigned to hold a Circuit Court in cases provided by law.

Article IX.

Section 1 requires the State officers to reside at the capital, and personally superintend the duties of their offices. It changes the annual salaries of the Governor from $1,000 to $3,000; Circuit Judges, $1,500 to $2 500; State Treasurer, $1,000 to $2,500; Auditor General, $1,000 to $2,500; Superintendent Public Instruction, $1,000 to $2,000; Secretary of State, $800 to $2,000; Commissioner Land Office, $800 to $2,000; and Attorney General, $800 to $2,500.

Article X.

The board of supervisors of any county may, by a vote of two thirds of their whole number, borrow or raise by tax a sum not exceeding in any one year one mill upon the dollar of the assessed valuation thereof, for constructing or repairing public buildings, highways, or bridges: *Provided*, The indebtedness of a county incurred under this section shall at no time exceed two mills upon a dollar of such assessed valuation, unless authorized by a majority of the electors of the county voting thereon, as shall be provided by law.

ARTICLE XI.

Corporations (other than municipal, and those for charitable, educational, penal, and reformatory purposes, under the control of public authority) shall be hereafter created only by general laws.

No banking law, authorizing banks of issue, shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election; but the Legislature may alter or amend the same.

All fictitious issue or increase of the bonds or other evidence of indebtedness, or of the capital stock of any corporation, is prohibited.

Foreign corporations may be permitted to do business in this State under such limitations and restrictions as may be prescribed by law, but shall be subject to the same restrictions and liabilities that are imposed, and shall have no greater rights than are conferred upon domestic corporations of like character.

The Legislature may * * * regulate the speed of trains. * * * *

* * * Nor shall any such [railroad] corporation hereafter lease any parallel or competing line of road, and no two or more competing lines of railroad shall be run or operated, directly or indirectly, wholly or in part, under the same management or supervision, or under or subject to any arrangement, agreement, or understanding, with reference to rates of fare or freight to be charged, or for the division of earnings.

ARTICLE XII.

No officer shall exercise his office after an impeachment is directed, until he be acquitted, but such disability shall not continue longer than three months, unless the trial of such impeachment shall have been commenced and proceeded with.

* * * Provision may be made by law for the suspension of a judge when the Legislature is not in session.

Whenever, during a recess of the Legislature, it shall, in the opinion of the Governor, become necessary to direct an impeachment of any civil officer, he may, by proclamation, convene the House of Representatives for that purpose; and if the House, when so convened, shall direct an impeachment, he shall in like manner immediately convene the Senate to try such impeachment; and whenever, in the opinion of the President of the Senate and Speaker of the House of Representatives, it shall, during a recess of the Legislature, become necessary to direct an impeachment of the Governor, they may, by their joint proclamation, convene the House for that purpose; and if the House direct such impeachment, the said President and Speaker shall, in like manner, immediately convene the Senate to try such impeachment.

ARTICLE XIII.

* * * Any school district neglecting to maintain such school [three months in each year] shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and of all funds arising from general taxes for the support of schools.

All moneys belonging to the public derived from fines, penalties, forfeitures, or recognizances imposed or taken in the several counties, cities, or townships for any breach of the penal laws of this State, shall be paid into the county treasury and apportioned in the same manner as is the income of the primary school fund, and paid over to the several cities and townships of the county in which such money accrued, for the support of a library in each township or city, or for the support of primary schools, as the township board of any township, or board of education or school board of any city, may determine. But fines, penalties, forfeitures, and recognizances, accruing from the violation of village or city ordinances, shall be paid into the treasury of the village or city where the same are collected, and be applied as the board of education or school board of such village or city may determine.

ARTICLE XIV.

The Legislature may provide for the collection of specific taxes from banking, railroad, and plank-road corporations, and may, in its discretion, impose specific taxes upon other corporations, and upon any property or business within this State; but when a specific tax is imposed upon a corporation, it shall only apply to such property of the corporation as shall be necessary for the exercise of its corporate franchises.

Every law hereafter enacted by the Legislature, creating a debt or authorizing a loan, shall provide a sinking fund for the payment of the same.

* * * The Legislature shall provide by law for barring all claims against the State, unless presented within a time to be therein fixed.

The State shall not aid, by gift, or pledge of its credit, any person or corporation, nor shall it subscribe to, or become interested in, the stock of any corporation, nor assume any indebtedness of a municipal or [other] corporation. The provisions of this section shall not apply to educational, charitable, reformatory, or penal institutions which are or may be under the care and control of the State.

The State shall not be a party to or be interested in any work of internal improvement, except the ship canal at the Sault Ste. Marie, and the Portage Lake and Lake Superior Ship Canal, nor engage in carrying on any such work, otherwise than in the expenditure of grants to the State of land or other property.

The Legislature shall provide a uniform rule of taxation, except on property or business paying specific taxes. * * *

ARTICLE XV.

* * * And the husband of any married woman shall not be liable for or on account of any debt or obligation of his wife contracted before her marriage, or contracted by her in relation to her sole property after marriage.

ARTICLE XVII.

Public officers, receiving or having charge of public moneys, are prohibited from using or em-

ploying the same in any manner for their private use or benefit, and whenever any public funds are loaned or deposited, the interest or other consideration received therefor shall be paid over to the general fund of the State, county, municipality, corporation, or board to which such funds belong.

The Legislature may authorize the taxing of private property * * * for use in the improvement of navigable streams, and for flowage when the public interests demand it.

The right of the public or of any individual to the free use of any navigable stream for any purpose for which such stream is capable of use, without improvement, shall not be abridged or obstructed by or under color of any authority which may be given by law to any individual or corporation to improve such stream and charge toll for the use of such improvement.

Any woman above the age of twenty-one years, who shall be a resident of this State, and of the proper county, township, city, or ward, and who is a citizen of the United States, shall be eligible to the office of register of deeds, notary public, offices connected with schools and libraries, and to such other offices as may be designated by law.

SEPARATE SECTION—WOMAN SUFFRAGE.

To be submitted separately at the same election to the people, and to be substituted in case of adoption for so much of sec. 1, art. VII, as precedes the proviso in the present constitution, and substituted for sec. 1, art. VII, of the amended constitution, if the latter is adopted, viz:

SEC. 1. In all elections, every person of the age of twenty-one years, who shall have resided in this State three months, and in the township or ward in which he or she offers to vote, ten days next preceding an election, belonging to either of the classes, shall be an elector and entitled to vote.

First. Every citizen of the United States.

Second. Every inhabitant of this State who shall have resided in the United States two years and six months, and declared his or her intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election.

Third. Every inhabitant residing in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five.

Mississippi.

[In November, 1873, the following constitutional amendments were ratified by the people: For, 20,527; against, 5,335.]

ARTICLE VI.

SEC. 17. The Legislature shall divide the State into a convenient number of chancery districts. Chancellors shall be appointed in the same manner as the judges of the circuit courts. Their qualifications shall be regulated by law, and they shall hold their office for the term of four years. They shall hold a court in each county at least twice in each year, and shall receive such compensation as may be provided by law.

ARTICLE VIII.

SEC. 6. All proceeds of lands now or hereafter vested in this State, by escheat or purchase, or forfeiture for taxes, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys received for licenses granted under the laws of the State for the sale of intoxicating liquor or keeping of dram shops, shall be collected in legal currency of the United States, and be paid into the treasury, to be distributed *pro rata* among the educable children of the State, in the manner to be provided for by law.

New Jersey.

[Amendments proposed by the constitutional commission, December 23, 1873, under authority of joint resolution of April 4, 1873.]

ARTICLE I.

Private property shall ever be held inviolate, but subservient to the public welfare, and shall not be taken for public use without just compensation. In all cases where lands are taken by any incorporated company, any land owner being aggrieved by the award of commissioners, shall have the right of appeal, and have the damages reassessed by the verdict of a jury, and such assessment shall be made without deduction for benefits.

No county shall be divided or have any part set off therefrom without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

No county, city, borough, town, township, or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association, or corporation, or become security for, or be directly or indirectly the owner of, any stock or bonds of any association or corporation; nor shall any county, city, borough, town, township, or village incur, or be authorized by the Legislature to incur, any indebtedness, or to impose any tax except for State, county, city, township, or village purposes. And no county shall contract or incur any debt, by bond or otherwise, exceeding two per cent. of the valuation of its taxable property; and no town, borough, or township exceeding four per cent.; and no city exceeding eight per cent., on a like valuation, excepting for its water supply.

No donation of land or appropriation of money shall be made by the State or any municipal corporation to or for the use of any society, association, or corporation whatever.

ARTICLE II.

In section 1 the word "white" is stricken out of the qualifications for electors; a residence in the election district in which the vote is offered, of thirty days, is added, and also this proviso: that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may

vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

In section 2 the words "or in legislation" are added, so that the Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery "in legislation" as well as "at elections."

ARTICLE IV.

Paragraph 3 of section 1 changes the annual election from October to November.

SECTION IV. All bills and joint resolutions shall be printed before they are received or considered, and shall be read throughout, section by section, on three several days, in each House, before the final passage thereof; but the reading of the title only, of any bill or joint resolution, shall never be taken as the reading thereof: *Provided*, That in cases of actual invasion or insurrection the Legislature may, by a two-thirds vote of the House where such bill or joint resolution shall be pending, otherwise order: *And provided further*, That all bills and joint resolutions, together with the amendments thereto, shall be printed and distributed among the members of each House at least one day before the vote shall be taken on the final passage thereof. * * *

Members of the Senate and General Assembly shall receive annually the sum of five hundred dollars during the time for which they shall have been elected, and while they shall hold their office, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except a sum not exceeding twenty-five dollars per session, to each member, which shall be in full for postage, stationery, and all other incidental expenses and perquisites.

SEC. V. The first and second paragraphs are stricken out and this inserted as paragraph 1: No member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the Governor, the Governor and the Senate, or from the Legislature.

SEC. VII. * * * No law shall be revived or amended by reference to its title only, but the act revived, or the section or sections amended, shall be inserted at length. No general law shall embrace any provision of a private, special, or local character. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of the act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

* * * A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall establish and maintain public schools for the gratuitous instruction of all persons in this State between the ages of five and eighteen years. The term "free schools," used in this constitution, shall be construed to mean schools that aim to give to all a rudimentary education, and not to include schools designed to fit or prepare pupils to enter college, or schools controlled by or under the influence of any creed, religious society, or denomination whatever.

No amendment to the charter of any municipal corporation shall be received by the Legislature after thirty days from the first day of the meeting thereof, and no such amendment shall be so received or considered unless a notice, expressing the substance of such amendment, shall have been published once a week, for at least four weeks next before the first day of the meeting of the Legislature, in one or more of the newspapers of the largest circulation, printed, published, and circulated in the municipal corporation to be affected thereby, and if none is printed or published therein, then in the newspaper printed or published nearest thereto.

No trust funds shall be invested in the bonds or stock of any private corporation, unless such investment be authorized or directed in the instrument or by the person creating the trust.

No act of the Legislature shall limit the amount to be recovered for injuries resulting in death, or for injuries to person or property; and in case of death from such injuries the right of action shall survive, and the Legislature shall prescribe for whose benefit such action shall be prosecuted. Nor shall any act prescribe any limitation of time within which suits may be brought against corporations for injuries to person or property, or for other causes different from that fixed by the general laws prescribing the time for the limitation of actions.

No act of the Legislature shall take effect until the fourth day of July next after its passage, unless the Legislature shall, by a vote of two thirds of all the members elected to each House, otherwise direct.

The Legislature shall not pass private, local, or special laws in any of the following enumerated cases; that is to say:

Laying out, opening, altering, and working roads or highways.

Vacating any road, town plot, street, alley, or public grounds.

Regulating the internal affairs of towns and counties; appointing local offices or commissions to regulate municipal affairs.

Selecting, drawing, summoning, or impaneling grand or petit jurors.

Regulating the rate of interest on money.

Creating, increasing, or decreasing the percentage or allowance of public officers during the term for which said officers were elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual any exclusive privilege, immunity, or franchise whatever.

Granting to any corporation, association, or individual the right to lay down railroad tracks.

Providing for changes of venue in civil or criminal cases.

Providing for the management and support of free public schools.

The Legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other cases which, in its judgment, may be provided for by general laws. The Legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the Legislature.

The Legislature may establish a court or courts, with original jurisdiction over all cases of condemnation of lands and assessments for improvements.

Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value in money. No property of any kind, protected by law, except that owned by the United States, the State, counties, townships, cities, towns, or boroughs shall be exempt by law from its full share of all State, county, township, and city taxes and assessments, except burying grounds and cemeteries not held by stock companies. No law shall be enacted or contract entered into by which the exercise of the power of taxation shall be restricted, impaired, or impeded. The Legislature may provide by law for taking away from any person or persons, natural or artificial, now possessing or entitled to the same, any right of exemption from taxation which cannot be revoked without compensation, and for paying to such person or persons a just compensation for the right so taken away.

SEC. VIII. Every member of the Legislature, before he enters on his duties, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the constitution of the State of New Jersey, and that I will honestly and faithfully discharge the duties of Senator (or member of General Assembly, as the case may be,) according to the best of my ability." And I do solemnly swear (or affirm) that I have not paid or contributed anything, or made any promise in the nature of a bribe, to corruptly influence, directly or indirectly, any vote at the election at which I was chosen a member of the Senate (or House of Assembly;) and I do further solemnly swear (or affirm) that I have not accepted or received, and I will not accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company, or person for any vote or influence I may give or withhold on any bill, resolution, or appropriation, or for any other act as a member of the Senate (or General Assembly) of this State. And members elect of the Senate or General Assembly are hereby empowered to administer to each other the said oath or affirmation. Any member who shall refuse to take such oath or affirmation shall forfeit his membership; and any person convicted of having falsely taken said oath or affirmation, or of having broken the same, shall be subject to the punishment provided for willful and corrupt perjury.

Every officer of the Legislature shall, before he enters upon his duties, take and subscribe the following oath or affirmation: "I do solemnly promise and swear (or affirm) that I will faithfully, impartially, and justly perform all the duties of the office of ——— to the best of my ability and understanding; that I will carefully preserve all records, papers, writings, or property entrusted to me for safe keeping by virtue of my office, and make such disposition of the same as may be required by law."

ARTICLE V.

Section 6 is amended so as to enable a special session of the Senate alone to be called when needed.

Section 7 changes the majority vote of members of each House required to overcome a veto to a two-thirds vote of the whole House. It also contains this new provision: "If any bill presented to the Governor contain several items of appropriations of money, he may object to one or more of such items while approving of the other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the Legislature be in session he shall transmit to the House in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two thirds of the members elected to each House, the same shall be a part of the law, notwithstanding the objections of the Governor. All the provisions of this section in relation to bills not approved by the Governor shall apply to cases in which he shall withhold his approval from any item or items contained in a bill appropriating money."

Section 8 is amended so that the Governor shall not be "elected by the Legislature to any office under the government of this State or of the United States, during the term for which he shall have been elected Governor."

Conviction of any felony or otherwise infamous crime, or of any official delinquency under the laws of this State, shall, after final judgment thereon, vacate any office under the constitution or laws of this State held by the person so convicted; and a duly authenticated record of such conviction and judgment shall be conclusive evidence of such forfeiture, and shall authorize competent authority to fill the vacancy occasioned thereby.

ARTICLE VI.

There shall be, beside the justice of the Supreme Court, who may be *ex officio* the judge of said court, no more than two judges of the inferior court of common pleas in each of the counties in this State, after the terms of the judges of said court now in office shall terminate.

The commissions for the appointments of judges of said court shall bear date and take effect on the first day of April, except commissions to fill vacancies, which shall bear date and take effect when issued.

There may be elected under this constitution not more than two justices of the peace in each of the townships of the several counties of this State, and in each of the wards, in cities that may vote in wards, not more than one justice of the peace; and the Legislature shall provide by law the qualifications necessary for such justices to possess, and the method of ascertaining the possession of such qualifications. * * *

ARTICLE VII.

* * * Judges of the inferior court of common pleas shall be nominated by the Governor, * * * term of five years, * * * a compensation, which shall not be increased or diminished during the term of their appointments.

* * * Justices of the Supreme Court, judges of the court of errors and appeals, and judges of the court of common pleas, when appointed to fill vacancies, shall hold for the unexpired term only.

Paragraph three limits the attorney general's term to three years, and paragraph six gives the same term to sheriffs and coroners.

No law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment.

New York.

[Proposed amendments adopted by the Legislatures of 1873 and 1874, the final decision to be reached by popular vote at the November election, 1874:]

Article II.

The first section prescribes the qualifications of voters.

Sec. 2. No person shall receive, expect, or offer to receive, or pay or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered, or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The Legislature, at the session thereof next after the adoption of this section, shall, and from time to time thereafter may, enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

[In the assembly of 1873, when this article was reported for consideration, a motion was made to amend in the interest of female suffrage, but was disagreed to.]

Article III.

Sections 1, 5 and 6, vest the Legislative power in a Senate and Assembly; fix the membership of the Assembly at 128 members, prescribe the mode of apportionment, and place the annual salary of each member of the Legislature at $1,500, with 10 cents mileage each way for each session, with extra compensation for Senators when an extraordinary session of the Senate is convened.

No member of the Legislature shall receive any civil appointment within this State, or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government, during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

Sec. 8. No person shall be eligible to the Legislature who, at the time of his election, is, or within one hundred days previous thereto has been, a member of Congress, a civil or military officer under the United States, or an officer under any city government. And if any person shall, after his election as a member of the Legislature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

Sec. 18. The Legislature shall not pass a private or local bill in any of the following cases: Changing the name of persons; laying out, opening, altering, working, or discontinuing highways or alleys, or for draining swamps or other low lands; locating or changing county seats; providing for changes of venue in civil or criminal cases; incorporating villages; providing for the election of members of boards of supervisors; selecting, drawing, summoning, or impaneling grand or petit jurors; regulating the rate of interest on money; the opening and conducting of elections or designating places of voting; creating, increasing, or decreasing fees, per centage, or allowance of public officers during the term for which said officers are elected or appointed; granting to any corporation, association, or individual the right to lay down railroad tracks; granting to any private corporation, association, or individual any exclusive privilege, immunity, or franchise whatever; providing for building bridges, and chartering companies for such purposes, except on the Hudson river, below Waterford, and on the East river, or over the waters forming a part of the boundaries of the State.

The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad, be first obtained, or in case the consent of such property owners cannot be obtained, the general term of the Supreme Court in the district in which it is proposed to be constructed may, upon application, appoint three commissioners, who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determina-

tion, confirmed by the court, may be taken in lieu of the consent of the property owners.

The Legislature shall neither audit nor allow any private claim or account against the State, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

Every law which imposes, continues, or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

On the final passage, in either House of the Legislature, of any act which imposes, continues, or revives a tax, or creates a debt or charge, or makes, continues, or revives any appropriation of public or trust money or property, or releases, discharges, or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the journals, and three fifths of all the members elected to either House shall, in all such cases, be necessary to constitute a quorum therein.

Sections 22 and 23 relate to boards of supervisors, common councils, and board of aldermen.

The Legislature shall not, nor shall the common council of any city, nor any board of supervisors, grant any extra compensation to any public officer, servant, agent, or contractor.

ARTICLE IV.

Sections 1 and 2 relate to the qualifications for Governor and Lieutenant Governor, and fix the term of office at three years.

* * * At extraordinary sessions no subject shall be acted upon except such as the Governor may recommend for consideration. * * * He shall receive for his services an annual salary of $10,000, and there shall be provided for his use a suitable and furnished executive residence.

The Lieutenant Governor shall receive for his services an annual salary of $5,000.

* * * If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more of such items, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the Legislature be in session, he shall transmit to the House in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two thirds of the members elected to each House, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section in relation to bills not approved by the Governor shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

ARTICLE VII.

Add to section 3 the following:

No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

The Legislature shall not sell, lease, or otherwise dispose of the Erie Canal, the Oswego Canal, the Champlain Canal, or the Cayuga and Seneca Canal; but they shall remain the property of the State, and under its management forever. Hereafter the expenditures for collections, superintendence, ordinary and extraordinary repairs on the canals named in this section shall not exceed, in any year, their gross receipts for the previous year. All funds that may be derived from any lease, sale, or other disposition of any canal shall be applied in payment of the debt for which the canal revenues are pledged.

The sinking funds provided for the payment of interest and the extinguishment of the principal of the debts of the State shall be separately kept and safely invested, and neither of them shall be appropriated or used in any manner other than for the specific purpose for which it shall have been provided.

Neither the Legislature, canal board, canal appraisers, nor any person or persons acting in behalf of the State, shall audit, allow, or pay any claim which, as between citizens of the State, would be barred by lapse of time. The limitation of existing claims shall begin to run from the adoption of this section; but this provision shall not be construed to revive claims already barred by existing statutes, nor to repeal any statute fixing the time within which claims shall be presented or allowed, nor shall it extend to any claims duly presented within the time allowed by law, and prosecuted with due diligence from the time of such presentment. But if the claimant shall be under legal disability, the claim may be presented within two years after such disability is removed.

ARTICLE VIII.

The Legislature shall, by general law, conform all charters of saving banks, or institutions for savings, to a uniformity of powers, rights, and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them, have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The Legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation, or private undertaking. This section shall not, however, prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents as to it may seem proper. Nor shall it apply to any fund or property now held, or which may hereafter be held, by the State for educational purposes.

No county, city, town, or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual,

association, or corporation, or become, directly or indirectly, the owner of stock in or bonds of any association or corporation, nor shall any such county, city, town, or village be allowed to incur any indebtedness, except for county, city, town, or village purposes. This action shall not prevent such county, city, town, or village from making such provision for the aid or support of its poor as may be authorized by law.

ARTICLE X.

No officer whose salary is fixed by the constitution shall receive any additional compensation. Each of the other State officers named in the constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

ARTICLE XII.

SECTION 1. Members of the Legislature (and all officers, executive and judicial, except such inferior officers as shall be by law exempted) shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability;" and all such officers who have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof: "And I do further solemnly swear (or affirm) that I have not, directly or indirectly, paid, offered, or promised to pay, contributed, offered, or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote," and no other oath, declaration, or test shall be required as a qualification for any office or public trust.

ARTICLE XV.

Any person holding office under the laws of this State, who, except in payment of his legal salary, fees, or perquisites, shall receive or consent to receive, directly or indirectly, anything of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offense of bribery.

Any person who shall offer or promise a bribe to any officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to giving or offering of such bribe. Any person who shall offer or promise a bribe, if it be rejected by the officer to whom it is tendered, shall be deemed guilty of an attempt to bribe, which is hereby declared to be a felony.

Any person charged with receiving a bribe, or with offering or promising a bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor.

Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the Governor, after a due notice and an opportunity of being heard in his defense. The expenses which shall be incurred by any county in investigating and prosecuting any charge of bribery, or attempting to bribe any person holding office under the laws of this State, within such county, or of receiving bribes by any such person in such county, shall be a charge against the State, and their payment by the State shall be provided for by law.

ARTICLE XVI.

All amendments to the constitution shall be in force from and including the first day of January succeeding the election at which the same were adopted, except when otherwise provided by such amendment.

North Carolina.

[Amendments ratified by the people, August 7, 1873.]

ARTICLE I.

SEC. 6. Strike out the words "to maintain the honor and good faith of the State untarnished, the public debt, regularly contracted before and since the rebellion, shall be regarded as inviolable, and never be questioned; but."

ARTICLE II.

SEC. 2. Strike out "annually" and insert "biennially," so as to provide for biennial sessions of the Legislature.

SEC. 5. Strike out the clause providing for an enumeration of the population every ten years, and the words "as aforesaid, or," which relate to it.

ARTICLE III.

Strike out "Superintendent of Public Works" throughout the constitution, thus abolishing the office.

SEC. 6. Strike out "annually" and insert "biennially," so that the Governor shall "biennially communicate" with the Legislature.

ARTICLE IV.

Strike out sections 2 and 3, so as to do away with appointment and duties of code commissioners.

ARTICLE V.

Strike out section 4, as follows:

"The General Assembly shall, by appropriate legislation and by adequate taxation, provide for the prompt and regular payment of the inter-

est on the public debt; and after the year 1880, it shall lay a specific annual tax upon the real and personal property of the State, and the sum thus realized shall be set apart as a sinking fund, to be devoted to the payment of the public debt."

Amend section 6 so that the General Assembly may exempt from taxation any personal property not exceeding $300 in value.

ARTICLE IX.

Strike out sections 13, 14, and 15, which relate to the mode of election, powers, duties, organization, privileges, &c., of the Board of Trustees of the University of North Carolina.

ARTICLE XIV.

Section 7 strikes out that "no person shall hold more than one lucrative office under the State at one time," &c., and provides that no person holding a federal or a State office (with certain petty exceptions) shall be eligible to a seat in either house of the Legislature.

Ohio.

[To be submitted to popular vote, August 18, 1874.]

ARTICLE I.

* * * And no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the General Assembly.

No power of suspending laws shall ever be exercised, except by the General Assembly.

Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public, without charge, other than streets and highways in cities and incorporated villages, a compensation shall be made to the owner in money, and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

ARTICLE II.

No person convicted of embezzlement of the public funds shall hold office in this State; nor shall any person holding public money have a seat in the General Assembly, until he shall have accounted for such money and paid it into the treasury.

Each House shall keep a journal of its proceedings, which shall be published, and on which, at the request of two members, the yeas and nays shall be entered. On the passage of every bill or joint resolution in each House, the vote shall be taken by yeas and nays and entered on the journal. No bill or resolution, except joint resolutions relating to the course of business in the General Assembly, shall be passed in either House, without the concurrence of a majority of the members elected thereto.

Any member of either House shall have the right to protest against any act or resolution thereof; and such protest and the reasons therefor shall, on being presented to such House, be entered on the journal by the clerk, without alteration, commitment, or delay.

Every bill shall be fully and distinctly read on three different days, unless, in case of urgency, three fourths of the members elected to the House in which it shall be pending, by a vote by yeas and nays, entered on the journal, dispense with this rule; but the reading of a bill on its final passage shall in no case be dispensed with. No bill shall contain more than one subject; which shall be clearly expressed in its title, and no law shall be revived or amended unless the new act contain the entire act revived or the section or sections amended; and the section or sections so amended shall be repealed.

The presiding officer of each House shall sign publicly, in the presence of the House over which he presides, while the same is in session and capable of transacting business, all bills and joint resolutions passed by the General Assembly.

Every bill passed by the General Assembly shall be presented to the Governor. If approved, he shall sign it, and thereupon it shall become a law. If not approved, he shall send it, with his objections in writing, to the House where it originated, which may then reconsider the vote on the passage of the same. If three-fifths of the members elected to that House then agree to repass the bill, it shall be sent, with the objections of the Governor, to the other House, which may also reconsider the vote on its passage. If three-fifths of the members elected to that House then agree to repass the same, it shall become a law; but the vote necessary to repass such in each House shall not be less than that required on the original passage, and the vote in each House shall be by yeas and nays, entered on the journal thereof. * * * The Governor may disapprove any item or items of appropriation contained in bills passed by the General Assembly, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner herein prescribed in cases of disapproval of bills. * * *

No Senator or Representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office, under the laws of this State, which shall be created, or the emoluments of which shall be increased, during such term.

No money shall be drawn from the treasury except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill, and no appropriation shall be for a longer period than two years. On the passage of such bills, or on concurring in amendments thereto, a separate vote on any item or items therein shall, on demand of any member, be had by yeas and nays, entered on the journal; and every such item failing to receive the vote of the requisite majority of the members elected to the House in which the bill is pending shall be stricken therefrom, and each item receiving such majority shall be declared passed.

No extra compensation shall be made to any officer, public agent, employee, or contractor after the service shall have been rendered or the

contract entered into; nor shall any money be appropriated or paid on any claim the subject-matter of which shall not have been provided for by pre-existing law, unless such compensation or claim be allowed by bill passed by two-thirds of the members elected to each branch of the General Assembly. No provision authorizing the expenditure or payment of money for any purpose not provided for by pre-existing law shall be included in any bill making appropriations for a purpose which shall have been provided so for; nor shall more than one class of compensation or claims be included in the same bill. Every appropriation for the payment of such compensation or claim included in an act making appropriations of a different class shall be void.

* * * No act or part of an act, except such as relates to public schools, public buildings, or public bridges, shall be passed to take effect upon a vote of the people to be affected thereby, or upon the approval of any other authority than the General Assembly, except as otherwise provided in this constitution; nor shall any act be passed conferring special powers or privileges upon any county, township, city, village, or other municipality not conferred upon all counties, townships, cities, villages, and municipalities of the same general class.

The General Assembly shall have no power to pass retroactive laws or laws impairing the obligation of contracts, but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties and officers, by curing omissions, defects, and errors in instruments and proceedings arising out of their want of conformity to the laws of this State.

No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants may be divided, whenever a majority of the voters residing in each of the proposed divisions shall approve the law passed for that purpose; but no town or city within the same shall be divided, nor shall either of the divisions contain less than twenty thousand inhabitants.

The members of the General Assembly shall receive a fixed annual salary and mileage, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office, but the General Assembly shall provide for ratable deductions therefrom on account of unnecessary absence during its sessions.

Article III.

The Lieutenant Governor shall be President of the Senate, and may vote when the Senate is equally divided, but not upon a question relating to a bill in any stage thereof, nor upon a joint resolution requiring a vote of a majority of the members elected to the Senate, nor in a contested election of a member of the Senate, nor in the election of a Senator in Congress. * * *

Article IV.

At the first election for judges of the Supreme Court no elector shall vote for more than three candidates.

Drunkenness of a judicial officer during a term of his court, or when otherwise officially engaged, shall work a forfeiture of his office; and upon such fact being established, as shall be provided by law, his office shall become vacant. It shall be the duty of the General Assembly to provide for carrying this section into effect.

Article V.

* * * * * *

Sec. 3. The General Assembly shall have power to exclude from the privilege of voting, or being eligible to office, any person convicted of bribery, perjury, or other infamous crime.

Article VI.

The principal of all funds arising from the sale or other disposition of lands and other property, granted or entrusted to the State for educational or religious purposes, shall forever be preserved inviolate and undiminished; and the income therefrom shall be faithfully applied to the specific objects of the original grants and trusts.

The General Assembly shall make such provision, by taxation or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State. No religious or other sect shall ever have exclusive right to or control of any part of the school funds of the State.

Women, having such qualifications as to age, citizenship, and residence as may be prescribed for electors, shall be eligible to any office under the school laws, except that of State commissioner of common schools.

Article VIII.

The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts shall never exceed seven hundred and fifty thousand dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to pay the debts so contracted, and to no other purpose.

The State may also contract debts to repel invasion, suppress insurrection, defend the State in time of war, or redeem its present indebtedness; but the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to pay the debts so contracted, and to no other purpose; and all debts incurred to redeem the present indebtedness of the State shall be made payable from the sinking fund hereinafter provided for, as the same shall accumulate.

Except as provided in sections one and two of this article, no debt shall be created by or on behalf of the State.

The credit of the State shall not be given or loaned to, or in aid of any individual, association, or corporation; nor shall the State become a stockholder or part owner in any company or association.

The State shall never assume any debt of a county, township, city, town, village, or corporation, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the State in time of war.

No county, township, city, town, village or other political or municipal division of the State shall become a stockholder, either directly or indirectly, in any joint stock company, corporation, or association; or raise money for or in aid of, or loan its credit to, or in aid of any such company, corporation, or association; or purchase or construct, or in any way aid in purchasing or constructing, any railroad, canal, or appurtenance thereto.

The faith of the State being pledged for the payment of its public debt, in order to provide therefor a sinking fund shall be created, sufficient to pay the accruing interest on such debt, and annually reduce the principal thereof, by a sum not less than one hundred thousand dollars, increased yearly and each and every year by compounding at the rate of six per centum per annum, from the fifteenth day of November, one thousand eight hundred and fifty-one. The said sinking fund shall consist of the net annual income of the public works and stocks owned by the State, of any other funds or resources that are or may be provided by law, and of such further sum, to be raised by taxation, as may be required for the purposes aforesaid; and no part thereof shall ever be transferred to any other fund, or used for any other purpose.

Article X.

No money shall be drawn from any county or township treasury except by authority of law; nor shall money raised by taxation, loan, or assessment, for one purpose, ever be diverted to another.

Counties and townships shall, when necessary to the public convenience or welfare, have such power of local taxation and assessment for police purposes, for constructing and improving ditches and public roads other than railroads, and for clearing water courses, as may be prescribed by law.

Article XI.

* * * The General Assembly shall restrict the power of such corporations to levy taxes and assessments, borrow money, and contract debts, so as to prevent the abuse of such power.

No municipal corporation shall loan its credit to any person or corporation, except as may be otherwise provided in this constitution.

No assessments shall be levied by a municipal corporation upon any property, which shall require the payment in one year of more than ten per centum of its value, as ascertained by the tax duplicate, nor shall the aggregate of such assessments, in any period of ten years, exceed fifty per centum of the highest taxable valuation of such property during the same period.

The indebtedness of a municipal corporation shall never exceed, in the aggregate, five per centum of the value of the property within such corporation, as ascertained from time to time by the tax duplicate thereof, without the consent, first obtained, to such increase of indebtedness, and the approval of the objects for which the same is to be created, of at least three-fourths of all the electors of such corporation, to be ascertained by the mode prescribed by law; and in no case shall such indebtedness exceed ten per centum of said taxable value. In ascertaining such indebtedness, there shall be included an amount which, at the rate of six per centum per annum, will produce a sum equal to the aggregate annual rents payable by such corporation. This section shall not be construed to prevent municipal corporations from incurring indebtedness necessary for military purposes in time of war, or for the completion of any work authorized by law and heretofore undertaken; nor, until the first valuation of real estate for taxation hereafter made, to prevent the borrowing of money in anticipation of the collection of assessments actually levied.

Except as otherwise provided in this constitution, no tax or assessment shall be levied or collected, or debt contracted by a municipal corporation, except in pursuance of law for public purposes, specified by law; nor shall money raised by taxation, loan, or assessment, for one purpose, ever be diverted to another.

No property shall be appropriated to the use of a municipal corporation, until compensation therefor be first made in money, or first secured by a deposit of money, to be assessed in the manner and by the rule prescribed in section nineteen of the bill of rights.

Article XII.

The General Assembly shall pass no act conferring corporate powers.

Corporations may be formed under general laws, but such laws may, from time to time, be altered or repealed.

Dues from corporations shall be secured by such individual liability of the stockholders and other means as may be prescribed by law; but, in all cases, each stockholder shall be liable over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum, at least equal in amount to such stock.

No property shall be appropriated to the use of a corporation until full compensation therefor be first made in money, or first secured by a deposit of money to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation may be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

No act of the General Assembly authorizing the issue of bills, notes, or other paper, which may circulate as money, shall take effect until submitted to the people, at the general election next succeeding the passage thereof, and approved by a majority of the electors voting at such election; and the redemption of all such paper shall be fully secured by the deposit of such securities of the United States or of this State, as may be prescribed by law.

The directors of a corporation shall be chosen at one time by general ticket. At elections for

directors, each shareholder shall have as many votes as the number of shares held by him, multiplied by the number of directors to be chosen, and may cast all his votes for one candidate, or distribute them as he may see fit.

Foreign corporations may be authorized to do business in this State, under such limitations and restrictions as may be prescribed by law; * * nor shall they have power to condemn or appropriate private property.

The General Assembly may, by general law, subject to the provisions of this consitution, extend the existence of societies for savings, created prior to the first day of September, one thousand eight hundred and fifty-one, whose charters are subject to alteration, amendment, or repeal. No other corporation of this State, incorporated prior to the first day of May, one thousand eight hundred and fifty-two, shall have the benefit of any law passed since that date, or which shall hereafter be passed, except laws regulating judicial procedure, unless they shall reorganize under and subject to the provisions of this constitution.

No officer or agent of any company, operating or using a railroad within this State, shall be interested, directly or indirectly, either by himself or associated with others, in the receipts, contracts, or earnings of such company, otherwise than as an ordinary shipper or passenger, or as a stockholder, bond creditor, or employee; nor in any arrangement which shall afford more advantageous terms or greater facilities than are offered and accorded to the public; and all contracts and arrangements in violation of this section shall be void.

No railroad company shall consolidate with another, having a line parallel or competing with its own; or lease, purchase, or control such line; and no officer of a railroad company shall act as an officer of any other company owning or controlling a parallel or competing line; and no railroad company shall do business in this State which shares its earnings, in any manner, with a company owning or controlling a parallel or competing line within this State.

No foreign corporation shall carry on the business of transporting persons or property, or of telegraphing, mining, manufacturing, or insurance in this State, except while it maintains therein an office where, or on the person in charge of which, process may be served in any action or legal proceeding instituted against it; nor after it shall cause or procure to be removed into any of the courts of the United States a proceeding instituted by or against it, in any court of this State, upon a cause of action arising out of such business, which a corporation of this State, if a party to such proceeding, might not cause or procure to be so removed.

The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroad companies for transporting freight and passengers, and shall provide for enforcing such laws by adequate penalties and forfeitures.

No corporation shall issue stocks or bonds, except for money or property actually received, or labor done; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law; nor until the consent of the persons holding the larger amount in value of the stock shall be obtained, at a meeting held after notice given, for a period not less than sixty days, in pursuance of law.

Persons and property transported over any railroad shall be carried to any station at charges not exceeding in gross the charges for the same class and amount of transportation of persons and property in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

ARTICLE XIII.

The General Assembly shall provide for raising revenue to defray the expenses of the State for each year, including a sum sufficient to pay the interest on the State debt, and so much at least of the principal thereof as is provided for in article eight of this constitution.

The General Assembly shall never levy a poll tax for county or State purposes.

Laws shall be passed taxing by a uniform rate all real and personal property, according to its value in money, to be ascertained by such rules of appraisement as may be prescribed by the General Assembly, so that all property shall bear an equal proportion of the burdens of taxation; provided that the deduction of debts from credits may be authorized.

The General Assembly may provide by general laws for exemption from taxation of all burial grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public libraries, public property used exclusively for any public purpose, and personal property to an amount not exceeding two hundred dollars for each individual; but such laws shall be subject to alteration or repeal, and the value of property so exempted shall from time to time be ascertained and published, as may be directed by law.

The General Assembly may impose taxes by license, excise, or otherwise, and also provide, by equitable rules, for taxing franchises and income derived from investments, when the principal from which such income is derived cannot be taxed.

Banks and bankers shall be taxed by such equitable rules, based upon capital employed and business done, as will require them to share equally with other persons in the burdens of taxation; but this provision shall not prevent the taxation of shares of stock in any bank.

The General Assembly may, by special tax, assessment, or otherwise, regulate, restrain, or prohibit the keeping, harboring, or running at large of dogs.

No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

The State shall never contract any debt for purposes of internal improvement.

ARTICLE XIV.

The apportionment for members of the General Assembly shall be made every ten years, after the year one thousand eight hundred and seventy-two, in the manner hereinafter provided.

The population of the State, as ascertained by the federal census, or in such other mode as the General Assembly may direct, shall be divided by the number one hundred and five, and the quotient shall be the ratio of representation in the House of Representatives for the ten years succeeding such apportionment.

Every county shall be entitled to one representative; every county containing said ratio and one half over shall be entitled to two representatives; every county containing three times said ratio shall be entitled to three representatives; and so on, requiring after the first two an entire ratio for each additional representative.

The ratio for a Senator shall be ascertained by dividing the population of the State by the number thirty-seven. The districts formed shall be of contiguous territory and bounded by county lines. Until the next decennial apportionment, the county of Hamilton shall be entitled to four and the county of Cuyahoga to two Senators; and the other districts to one Senator each, and such additional Senators for fractional ratios as are provided for in this article.

When a county shall have a fraction above the ratio so large that, multiplied by five, the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratios in the following manner: If there be only one ratio, a representative shall be allotted to the fifth General Assembly of the decennial period; if two ratios, a representative shall be allotted to the fourth and third General Assemblies; if three, to the third, second, and first General Assemblies; if four, to the fourth, third, second, and first General Assemblies, respectively.

The same rules shall be applied in apportioning the fractions of senatorial districts as are applied to the fractions of representative districts, and any senatorial district which may have less than one senatorial ratio at any decennial apportionment, shall then be attached to the contiguous district having the least population.

Any county, forming part of a senatorial district, having a population equal to a full senatorial ratio at any decennial apportionment, shall then be made a separate senatorial district, if a full senatorial ratio be left in the district from which it is taken.

Until the next decennial apportionment the assignment of Representatives and Senators to the several General Assemblies of the decennial period shall be as provided in this article, and no change shall be made in the principles of representation herein adopted, or in the senatorial district, herein established, except as above provided. All territory belonging to a county at the time of an apportionment shall, as to the right of representation and suffrage, remain an integral part thereof during the decennial period.

* * * * * * *

In voting for Representatives and Senators, in counties and districts entitled to more than two, each elector may cast as many votes for one candidate as there are Representatives or Senators to be elected, or he may distribute the same, or equal parts thereof, among the candidates, as he may see fit, and the candidates highest in votes shall be declared elected.

ARTICLE XVI.

No person who may hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold any office in this State.

No person elected to the General Assembly, or to a convention or commission to revise, alter, or amend this constitution, or elected or appointed to any judicial or lucrative State or county office, shall, from the time of his election or appointment until the end of the term of such office, knowingly accept from a railroad or transportation company any free pass, gift, or commuted service not offered to the public.

SEPARATE PROPOSITIONS.

Minority Representation.

"In every election for judges of the Supreme and Circuit Courts, where three or more are to be chosen of the same court and for the same term of service, no elector shall vote for a greater number of candidates than a majority of the judges of such court and term then to be chosen."

If this proposition be adopted it shall take the place of section 3 of article IV of this constitution, and section 20 of said article shall thereupon read as follows:

"SEC. 20. In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the Governor until a successor is elected and qualified; and such successor shall be elected for the unexpired term, at the first election for Governor that occurs more that thirty days after the vacancy shall have happened.

Railroad Aid.

"But the General Assembly may, by general laws, authorize any township, city, or incorporated village to aid any railroad company in the construction of its road within this State, subject to the following restrictions, and such others as may be prescribed by law: No subscription, loan, or contribution for such purpose shall be made, unless authorized at an election held in pursuance of law, by at least two-thirds of all the electors of such township, city, or village, to be ascertained in such manner as may be prescribed by law, and subject to the further conditions of section 4 of article XI when applicable. Nor shall such aid be granted until the township, city, or village granting the same shall have adequate security that the road so aided will be completed. At such election no person shall vote who shall not have resided in the township, city, or village for six months prior thereto. No such election shall be held until the part of the road upon which the expenditure is to be made has been located and established, nor oftener than once a year, nor shall aid be voted to more than one railroad at any election. The order for election shall specify all the conditions of such loan, subscription, or contribution, the consideration proposed to be given therefor, the estimated cost of the proposed work, the means secured for its completion, and the part of the work on which the proposed subscription, loan, or contribution is to be

expended. Provision may be made by law for the issue of stock or bonds for the amount of any such subscription or loan; but no township, city, or village shall be liable for the debts of the company. The obligations of a township, city, or village incurred for such purpose shall not bear a greater interest than seven per centum per annum, nor shall the aggregate thereof at any time exceed five per centum of the taxable value of the property of such township, city, or village as ascertained by the latest tax duplicate. The aggregate of taxes levied by a township, city, or village to pay such obligations and interest shall in no year exceed one per centum of such value."

If this proposition be adopted it shall be added to and become part of section 6 of article VIII of the constitution.

Liquor Traffic.

For License.—"License to traffic in spirituous, vinous, or malt liquors, under such regulations and limitations as shall be prescribed by law, may be granted, but this section shall not prevent the General Assembly from passing laws to restrict such traffic, and to compensate injuries resulting therefrom."

Against License.—"No license or traffic in intoxicating liquors shall be granted; but the General Assembly may by law restrain or prohibit such traffic, or provide against evils resulting therefrom."

If either of these alternative propositions, "for license" or "against license," be adopted, it shall become section 11 of article XVI of this constitution.

Pennsylvania.

Owing to its length, only such portions of the new constitution of Pennsylvania as are especially noteworthy and of general interest are given.

PREAMBLE.

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking his guidance, do ordain and establish this constitution.

The declaration of rights is substantially the same as the declaration in the old constitution, with these additions:

No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury.

No law making irrevocable any grant of special privileges or immunities shall be passed.

ARTICLE II.

The Legislature.

The General Assembly to meet every second year, and when convened by the Governor, but no adjourned annual session after 1878. In case of vacancy in office of United States Senator between sessions, a special session to be held on notice by Governor of sixty days.

The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary or mileage under any law passed during such term.

Each House shall have power, * * * with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

The State shall be divided into fifty senatorial districts of compact and contiguous territory, as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio; but no county shall form a separate district unless it shall contain four fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one sixth of the whole number of Senators. No ward, borough, or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by two hundred. Every county containing less than five ratios shall have one Representative for every full ratio, and an additional Representative when the surplus exceeds half a ratio; but each county shall have at least one Representative. Every county containing five ratios or more shall have one Representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the Representatives allotted to the county in which it is located. Every city entitled to more than four Representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of Representatives according to its population; but no district shall elect more than four Representatives.

Prescribes that there shall be a new apportionment of the senatorial and representative districts after each decennial census.

ARTICLE III.

Legislation.

No law shall be passed except by bill, and no

bill shall be so altered or amended on its passage through either House as to change its original purpose.

No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

No bill, except general appropriation bills, shall be passed, containing more than one subject, which shall be clearly expressed in its title.

Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill; and no bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

No amendment to bills by one House shall be concurred in by the other, except by a vote of a majority of the members elected thereto taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journal.

No law shall be revived, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted and published at length.

The General Assembly shall not pass any local or special law—

Authorizing the creation, extension, or impairing of liens; regulating the affairs of counties, cities, townships, wards, boroughs, or school districts; changing the names of persons or places; changing the venue in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets, or alleys; relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State; vacating roads, town plats, streets, or alleys; relating to cemeteries, graveyards, or public grounds not of the State; authorizing the adoption or legitimation of children; locating or changing county seats, erecting new counties, or changing county lines; incorporating cities, towns, or villages, or changing their charters; for the opening and conducting of elections, or fixing or changing the place of voting; granting divorces; erecting new townships or boroughs, changing township lines, borough limits, or school districts; creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts; changing the law of descent or succession; regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate; regulating the fees or extending the powers and duties of aldermen, justices of the peace, magistrates or constables; regulating the management of public schools, the building or repairing of school-houses, and the raising of money for such purposes; fixing the rate of interest; affecting the estates of minors or persons under disability, except after due notice to all persons in interest, to be recited in the special enactment; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the Treasury; exempting property from taxation; regulating labor, trade, mining, or manufacturing; creating corporations, or amending, renewing, or extending the charters thereof; granting to any corporation, association, or individual any special or exclusive privilege or immunity, or to any corporation, association, or individual the right to lay down a railroad track. Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law, but laws repealing local or special acts may be passed. Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.

The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing, and the fact of signing shall be entered on the journal.

The General Assembly shall prescribe by law the number, duties, and compensation of the officers and employees of each House, and no payment shall be made from the State treasury, or be in any way authorized to any person, except to an acting officer or employee elected or appointed in pursuance of law.

No bill shall be passed giving any extra compensation to any public officer, servant, employee, agent, or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth, without previous authority of law.

All stationery, printing, paper, and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding, and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder below such maximum

price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General, and State Treasurer.

No law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment.

The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the Commonwealth, interest on the public debt, and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

No appropriations except for pensions or gratuities for military services shall be made for charitable, educational, or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation, or association.

The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriation shall be applied exclusively to the support of such widows and orphans.

The General Assembly shall not delegate to any special commission, private corporation, or association any power to make, supervise, or interfere with any municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted; no act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians, or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided, saving investments heretofore made.

The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State treasury.

When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity, but any county or municipality may appoint such officers when authorized by law.

A member of the General Assembly who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter, or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter, or thing to another, shall be held guilty of bribery within the meaning of this constitution, and shall incur the disabilities provided thereby for said offense, and such additional punishment as is or shall be provided by law.

Any person who shall, directly or indirectly, offer, or promise any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law.

The offense of corrupt solicitation of members of the General Assembly or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

Any person may be compelled to testify in any lawful investigation or judicial proceeding, against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust, or profit in this Commonwealth.

A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose

the fact to the House of which he is a member, and shall not vote thereon.

ARTICLE IV.

The Executive.

The Governor shall hold his office during four years, and shall not be eligible to the office for the next succeeding term.

Lieutenant Governor, subject to the same provisions as the Governor.

No person eligible for Governor or Lieutenant Governor, unless a citizen, over thirty years, and seven years next preceding his election an inhabitant of State.

No pardon shall be granted, nor sentence commuted, except upon the recommendation, in writing, of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General, and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice, and in open session. * * *

The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

SEC. 21. * * * No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms.

ARTICLE V.

The Judiciary.

The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts, and shall hold their offices for the period of ten years.

Whenever two judges of the Supreme Court are to be chosen for the same term of service, each voter shall vote for one only, and when three are to be chosen, he shall vote for no more than two; candidates highest in vote shall be declared elected.

ARTICLE VII.

Oath of Office.

Senators and Representatives, and all judicial, State, and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States and the constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election, (or appointment,) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law."

* * * Any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth.

ARTICLE VIII.

Suffrage and Elections.

Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections:

First, He shall have been a citizen of the United States at least one month; *Second*, He shall have resided in the State one year (or if having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election; *Third*, He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election; *Fourth*, If twenty-two years of age or upwards he shall have paid within two years a State or county tax, which shall have been assessed at least two months, and paid at least one month before the election.

All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket, or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of the election.

All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

Any person who shall give or promise, or offer to give to an elector any money, reward, or other valuable consideration for his vote at an election, or for withholding the same, or who

shall give or promise to give such consideration to any other person or party for such elector's vote, or for the withholding thereof, and any elector who shall receive or agree to receive for himself or for another any money, reward, or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of willful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

In trials of contested elections, and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held any office, appointment, or employment in or under the Government of the United States, or of this State, or of any city or county, or of any municipal board, commission, or trust in any city, save only justices of the peace and aldermen, notaries public, and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices below the grade of city or county offices as shall be designated by general law.

The courts of common pleas of the several counties of the Commonwealth shall have power within their respective jurisdictions to appoint overseers of election to supervise the proceedings of election officers, and to make report to the court as may be required; such appointments to be made for any district in a city or county, upon petition of five citizens, lawful voters of such election districts, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion, the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election, all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

ARTICLE IX.

Taxation and Finance.

All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.

All laws exempting property from taxation, other than the property above enumerated, shall be void.

The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or to pay existing debt, and the debt created to supply deficiencies in revenue shall never exceed in the aggregate at any one time one million of dollars.

All laws authorizing the borrowing of money by and on behalf of the State shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation, or association, nor shall the Commonwealth become a joint owner or stockholder in any company, association, or corporation.

The General Assembly shall not authorize any county, city, borough, township, or incorporated district to become a stockholder in any company, association, or corporation, or to obtain or appropriate money for or to loan its credit to any corporation, association, institution, or individual.

The debt of any county, city, borough, township, school district, or other municipality, or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or distrtct incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property without the assent of the electors thereof, at a public election, in such manner as shall be provided by law, but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum in the aggregate at any one time upon such valuation.

The Commonweath shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

Any county, township, school district, or other municipality incurring any indebtedness, shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; * * and unless in case of war, invasion, or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything except the bonds of the United States or of this State.

The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. * * *

The making of profit out of the public moneys, or using the same for any purpose not authorized by law, by any officer of the State or member or officer of the General Assembly, shall be a misdemeanor, and shall be punished as may be provided by law, bnt part of such punishment shall be a disqualification to hold office for a period of not less than five years.

ARTICLE X.

Education.

The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth, above the age of six years, may be educated, and shall appropriate at least one million dollars each year for that purpose.

No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this State.

ARTICLE XI.

Militia.

The General Assembly * * may exempt from military service persons having conscientious scruples against bearing arms.

ARTICLE XIV.

County Officers.

In counties containing over one hundred and fifty thousand inhabitants, all county officers shall be paid by salary. * * * .

Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand eight hundred and seventy-five, and every third year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest nnmber of votes shall be elected.

ARTICLE XVI.

Private Corporations.

All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place and business been commenced in good faith at the time of the adoption of this constitution, shall thereafter have no validity.

The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

No foreign corporation shall do any business in this State without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served.

No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate, except such as may be necessary and proper for its legitimate business.

No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void; the stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after sixty days' notice given in pursuance of a law.

Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured, or destroyed by the construction or enlargement of their works, highways, or improvements, which compensation shall be paid or secured before such taking, injury, or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals, made by viewers or otherwise; and the amount of such damages, in all cases of appeal, shall, on the demand of either party, be determined by a jury according to the course of the common law.

Every banking law shall provide for the registry and countersigning by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

The General Assembly shall have the power to alter, revoke, or annul any charter of incorporation now existing and revocable at the adoption of this constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew, or extend the charter of more than one corporation.

No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines; and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVII.

Railroads and Canals.

All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the others' passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

Every railroad and canal corporation organized in this State shall maintain an office therein, where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for or in facilities for transportation of freight or passengers within the State, or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

No railroad, canal, or other corporation, or the lessees, purchasers, or managers of any railroad or canal corporation, shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competiting line, nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line, and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works, nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

No president, director, officer, agent, or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise, and no railroad or canal company, or any lessee, manager, or employee thereof, shall make any preferences in furnishing cars or motive power.

No railroad, railway, or other transportation company shall grant free passes or passes at a discount, to any persons except officers or employees of the company.

No street passenger railway shall be constructed within the limits of any city, borough, or township, without the consent of its local authorities.

No railroad, canal, or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

The existing powers and duties of the Auditor General, in regard to railroads, canals, and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regula-

tions and alterations as shall be provided by law; and in addition to the annual reports now required to be made, said secretary may require special reports at any time, upon any subject relating to the business of said companies, from any officer or officers thereof.

The General Assembly shall enforce, by appropriate legislation, the provisions of this article.

[The new constitution was adopted by the constitutional convention elected in the fall of 1872, and was adopted by the people at a special election held on the 16th day of December, 1873, by a vote of 252,744 yeas to 108,594 nays. By authority of an act passed at the late session of the General Assembly, Governor HARTRANFT has appointed the Chief Justice of the State, the Attorney General, an ex-Attorney General, a common pleas judge, and three other eminent citizens a commission to propose amendments.]

Texas.

Section 6 of article X of the Constitution has been so amended as to read as follows, having been ratified at the election of 1872, and by the Legislature of 1873:

SEC. 6. The Legislature shall not hereafter grant lands, except for purposes of internal improvement, to any person or persons, nor shall any certificate for land be sold at the land office, except to actual settlers upon the same, and in lots not exceeding one hundred and sixty acres: *Provided*, That the Legislature shall not grant out of the public domain more than twenty sections of land for each mile of completed work, in aid of the construction of which land may be granted: *And provided further*, That nothing in the foregoing proviso shall affect any rights granted or secured by laws passed prior to the final adoption of this amendment.

The following amendments were proposed by the Legislature of 1873, understood to have been ratified at the election in December, 1873, were ratified by the Legislature of 1874, and proclaimed by the Governor January 27, 1874:

ARTICLE I.

Bill of Rights.

SEC. 20. No power of suspending laws in the State shall be exercised except by the Legislature.

ARTICLE V.

Judicial Department.

SEC. 2. The Supreme Court shall consist of one chief justice and four associate justices, any three of whom shall constitute a quorum. They shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of nine years. All vacancies shall be filled for the unexpired term. If a vacancy shall occur or a term shall expire when the Senate is not in session, the Governor shall fill the same by appointment, which shall be sent to the Senate within ten days after that body shall assemble; and if not confirmed, the office shall immediately become vacant.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which, in civil causes and in criminal causes, shall be co-extensive with the limits of the State. Appeals from interlocutory judgments may be allowed, with such exceptions and under such regulations as the Legislature may prescribe. The Supreme Court and the judges thereof shall have power to issue the writ of *habeas corpus*, and, under such regulations as may be prescribed by law, may issue the writ of *mandamus* and such other writs as may be necessary to enforce its own jurisdiction. The Supreme Court shall also have power to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction.

SEC. 4. The Supreme Court shall hold its sessions at the capital and two other places in the State.

ARTICLE XII.

General Provisions.

SEC. 28. In each and every organized county in the State there shall be an assessor and collector of taxes elected by the people at the next ensuing general election, and every four years thereafter, who shall assess the property and collect the taxes so assessed, in conformity to such laws as now exist, or may be enacted hereafter by the Legislature, relative to the assessment and collection of taxes.

SEC. 40. The Legislature shall not pass local or special laws in any of the following enumerated cases: that is to say, for locating or changing county seats; regulating county or town affairs; regulating the practice in courts of justice; regulating the duties and jurisdiction of justices of the peace and constables; providing for changes of venue in civil and criminal causes; incorporating cities and towns, or changing or amending the charter of any city or village; providing for the management of common schools; regulating the rates of interest on money; remitting fines, penalties, or forfeitures; changing the law of descent. In all other cases, when a general law can be made applicable, no special law shall be enacted; or in any case when a general law can be made applicable, no special law shall be enacted. The Legislature shall enact general laws providing for the cases before enumerated in this section, and for all other cases which, in its judgment, may be provided by general laws.

Virginia.

In 1872, by popular vote of 40,166 for striking out and 21,326 against, the following clause of the constitution, which had been adopted 1869, was stricken out:

USURY.

"Upon debts hereafter contracted it shall be lawful to receive any rate of interest, not exceeding twelve per centum per annum, which may be agreed upon by the parties and be specified in the bond, note, or other writing evidencing the debt. When there is no such agreement the rate of interest shall be six per centum per annum for the use and forbearance of every hundred dollars."

VII.

THE ACTION OF THE PRESIDENT IN THE AFFAIRS OF THE STATES OF ALABAMA, ARKANSAS, LOUISIANA, AND TEXAS.

[The following papers are gathered from Senate Report No. 457, 42d Cong., 3d session, and from House Exec. Doc. No. 91, 42d Cong., 3d session, as to LOUISIANA; from House Exec. Doc. No. 229, parts 1 and 2, and Senate Exec. Doc. No. 51, 43d Cong., 1st session, as to ARKANSAS; and from the records of the Attorney General's office as to ALABAMA and TEXAS.]

Alabama.

Attorney General to State Senator Hamilton.

WASHINGTON, *Dec.* 11, 1872.

SIR: I enclose copy of a plan of compromise which I have determined to propose to the bodies now in session at Montgomery claiming respectively to be the General Assembly of Alabama.

I have carefully considered your suggestions as to its modification, and am constrained to say that they do not accord with my views of the right of the case.

I believe the arrangement which I have suggested a fair and equitable one, and I hope that both parties will deem it wise and prudent to settle the unhappy controversy in which they are now involved in accordance with it.

Yours, very truly, GEO. H. WILLIAMS,
Attorney General.

Attorney General's Plan of Compromise.

Two organizations at Montgomery, Alabama, claiming to be the General Assembly of that State, have appealed to the President, and with his approval I submit, as a plan of compromising the difficulty, the following:

First. Officers of each organization shall tender their resignations, to take effect upon the permanent organization of a House of Representatives, as hereinafter provided.

Second. On the —— inst. the hall of the House in the Capitol shall be vacant, and at 12 o'clock of that day all the persons holding the certificates of Secretary Rayland shall be the only Representatives seated from Barbour county, and shall make in the usual manner a temporary organization.

Third. Two tellers, one Republican and one Democrat, shall be appointed by the speaker *pro tem.*, who shall publicly and in the presence of the House count the votes cast for Representatives in the county of Marengo; and for that purpose they shall take the returns of the precinct inspectors of said county, or, in case they cannot be procured, the evidence of said inspectors, so far as the same may be necessary to ascertain the actual vote cast as aforesaid, and the persons found upon such count to have the highest number of votes for Representative shall be seated as such from said county; but the persons now holding certificates of election as Representatives from Marengo shall not vote upon or in said temporary organization, nor shall any business other than deciding the contest as to said county be transacted during such organization.

Fourth. When such contest is determined, the House shall make a permanent organization in the usual way.

Fifth. On said ——, the —— inst., the Senate Chamber shall be vacant, and at 12 o'clock the persons holding certificates of election as Senators shall assemble therein, and organize with the Lieutenant Governor presiding, with the person holding the certificate of Secretary Rayland in his seat, as the only Senator from Barbour county; and the votes for Senator in Marengo county shall be counted in the same way, and upon the same kind of evidence as is hereinbefore provided for the House contest as to said county, and upon such count the person found to have the highest number of votes for Senator from said county shall be seated as such; but the person now holding the certificate of election to the Senate from said county shall not vote upon any question while the contest about his seat is pending. And then the contest as to the district comprising the counties of Butler and Conecuh shall be decided in the same way and upon the same kind of evidence, and the person now holding the certificate of election as Senator from said district shall not vote upon any question before he is declared elected upon a count of the votes of said district as aforesaid, nor shall the Senate do any other business before these contests are settled.

No person not holding a certificate of election shall take a seat in either body until his right thereto is affirmed as above founded.

All those claiming to be members and seated in either organization shall be allowed mileage and per diem compensation prior to the temporary organization as hereinbefore provided for, after which persons holding certificates of election from Secretary Parker for Barbour county shall cease to draw pay; and those contesting the seats for Marengo and the district of Butler and Conecuh who are finally excluded shall be allowed per diem pay until said contests are respectively ended; and the officers and employees of each organization shall be paid the usual compensation. GEO. H. WILLIAMS,
Attorney General.

Attorney General to the Governor.

WASHINGTON, *Dec.* 11.

HON. DAVID P. LEWIS, *Governor of Alabama:*

I advise that no military or other force be employed, and both bodies of the Assembly allow matters to remain as they are until a plan of

compromising these difficulties proposed by me can be considered. GEORGE H. WILLIAMS,
Attorney General.

Attorney General to State Senator Ervin.

WASHINGTON, *Dec.* 11.

Hon. R. H. ERVIN, *Capitol, Montgomery, Ala.*

I advise that no action be taken by the body assembled at the capitol until a plan of compromising the difficulty about the General Assembly proposed by me can be considered.

Telegram sent to the Governor.

GEORGE H. WILLIAMS, *Attorney General.*

Attorney General to Lieut. Governor.

WASHINGTON, *Dec. 26th*, 1872.

Hon. ALEXANDER MCKINSTRY, *Mobile, Ala.*

Your letter of the 22d inst. is received. I am disinclined to have anything more to say or do about the organization or proceedings of the Alabama Legislature; but it is proper, perhaps, that I should answer your inquiry, and state that according to all parliamentary law and usage the right of a claimant to a seat in a legislative body is to be decided by the vote of the body, and not by the presiding officer, and I should be bound so to hold if the question were referred to me in the case of the Alabama Senate.

I shall take the liberty to add, that telegraphic dispatches have been published here to the effect that the Republicans continue their organization in the court house, and are enacting laws there which produce upon my mind, and I think upon the minds of others, an unfavorable impression as to the purposes of the Republican members of the Assembly.

I will only say now that I should consider it most unfortunate in all respects if the present organization at the state house was dissolved by the act of the Republicans.

I hope that it will not be done in any event.

Very respectfully, GEO. H. WILLIAMS,
Attorney General.

Attorney General to Lieutenant Governor.

WASHINGTON, *Jan. 8th*, 1873.

Hon. A. MCKINSTRY, *Mobile, Alabama.*

I have received your letter of the 31st ultimo, in which I find among others the following paragraph, which I presume it is proper for me to answer: "When I sought to ascertain from you whether I might expect to be sustained, it was not that you or any one else would with propriety or should control the organization of the General Assembly of Alabama, but could the officers of Alabama be sustained by a *posse* in the peformance of their duty? And I beg leave to remind you that you have not answered this."

Referring to your letter of the 22d ultimo, to which mine was an answer, I find the following to be the inquiry which you therein propounded to me: "I communicate with you to ask if, when the committee make their report, I shall decide what it establishes as to the Marengo Senator, or is it to be voted on by those present. If so the Marengo Senator will be unquestionably Democratic, because they have one majority, and they organize as a party on the simple question of seats or chairs, and are organizing a committee to prepare rules. If it is for the presiding officer to decide in their presence, the decision will be obviously only on the report. Will you do me the favor to answer me, and inform me if I may be assured of support by you on my decision or action in the matter?"

To this inquiry of yours, in my letter of the 26th ultimo, I made answer that, "according to all parliamentary law and usage, the right of a claimant to a seat in a legislative body is to be decided by the vote of the body, and not by the presiding officer; and I should be bound to so hold, if the question was referred to me in the case of the Alabama Senate."

I think I may safely say, if this was not a full answer to your question, that the United States will not furnish a *posse* to support a Lieutenant Governor presiding in the Senate of a State, in deciding as to who are or are not entitled to seats in the body over which he presides.

I think it is proper that I should inform you that I have received a communication from Mr. Hamilton and others, members of the General Assembly of your State, in reference to the action of that body upon the plan of compromise which I had the honor to submit to its consideration, and also in reference to the proceedings by a part of the Assembly at the United States court-rooms, since its adoption of that plan.

While I disclaim all right to dictate, direct, or influence members of the Assembly in their official action, I have expressed to Mr. Hamilton my great surprise and regret at the proceedings in the United States court-rooms, to which he refers, and signified to him that any attempt to disturb the present organization of the General Assembly of the State would meet with no countenance or favor from me.

I confess, after hearing from both sides, that I can see no reason why the Assembly of your State may not now proceed to the transaction of its legitimate business, without further delay, and in the manner usual to the Legislative Assembly of a State.

Very respectfully, GEO. H. WILLIAMS,
Attorney General.

Attorney General to State Senator Hamilton.

WASHINGTON, *Jan.* 8, 1873.

Hon. P. HAMILTON, *Mobile, Ala.:*

I have received your letter of the 3d instant, transmitting a paper signed by yourself and other members of the General Assembly of Alabama, purporting to be a statement of the action of that body upon the plan of compromise which I had the honor some time since to submit for its consideration, and also of the action of a part of the Assembly at the United States court rooms since its meeting in accordance with the terms of such plan of compromise, and asking for such action therein as my judgment may approve.

Apprehensive that any discussion of the facts presented by you might imply an assumption of authority which I wholly disclaim, I will only say that I have heard with surprise and extreme regret of those extraordinary proceedings at the United States court rooms to which the paper refers.

I have instructed the U. S. marshal not to

allow those rooms to be used for any purpose connected with the legislative affairs of the State; and if I had any other official control in the matter, I would exercise it in the same way. I have further to say with respect to the future, that any attempt upon any pretext whatever to disturb the present organization of the General Assembly of Alabama will meet with no countenance or favor from me. I see no reason why that body, as now organized, may not proceed to legislate without further delay and decide contested elections and other questions that may arise, as is usual in the Legislature of a State.

Very respectfully, GEO. H. WILLIAMS,
Attorney General.

Arkansas.

Governor Baxter to the President.

LITTLE ROCK, *April* 15, 1874.

I have been advised by public rumor that in the State circuit court for this county, in a long pending case brought by Jos. Brooks for the office of Governor of this State, a demurrer to the complainant was overruled, and immediately judgment of ouster against me given. This was done in the absence of counsel for me, and without notice, and immediately thereafter the circuit judge adjourned his court. The claimant has taken possession of the State buildings and ejected me by force. I propose to take measures immediately to resume possession of the State property, and to maintain my authority as the rightful Governor of the State. Armed men, acting under this revolutionary movement, are now in charge of the Government armory and capitol buildings. I deem it my duty to communicate this state of affairs to the President. I trust these revolutionary acts may be settled without bloodshed, and respectfully ask the support of the General Government in my efforts to maintain rightful government of the State of Arkansas, and that the commander of the United States arsenal at this post be directed to sustain me in that direction. I respectfully request a reply to this communication at an early moment.

ELISHA BAXTER, *Governor of Arkansas.*

Governor Brooks to the President.

EXECUTIVE OFFICE,
LITTLE ROCK, *April* 15.

Having been duly installed as Governor of Arkansas by the judgment of a court, I respectfully ask that the commanding officer at the arsenal be instructed to deliver the arms belonging to the State, now in his custody, or hold the same subject to my order. JOS. BROOKS.

The President to Governor Baxter.

DEPARTMENT OF JUSTICE,
WASHINGTON, *April* 16.

Hon. ELISHA BAXTER, *Little Rock, Ark.:*

I am instructed by the President to say, in answer to your dispatch to him of yesterday, asking for the support of the General Government to sustain you in efforts to maintain the rightful government in the State of Arkansas, that in the first place your call is not made in conformity with the Constitution and laws of the United States, and in the second place, as your controversy relates to your right to hold a State office, its adjudication, unless a case is made under the so-called enforcement acts for federal jurisdiction, belongs to the State courts.

If the decision of which you complain is erroneous, there appears to be no reason why it may not be reviewed and a correct decision obtained in the Supreme Court of the State.

GEORGE H. WILLIAMS, *Attorney General.*

The President to Governor Brooks.

WASHINGTON, *April* 16.

Hon. JOSEPH BROOKS, *Little Rock, Ark.:*

I am instructed by the President to say, in answer to your dispatch to him of yesterday, asking that the United States commanding officer at the arsenal be instructed to deliver the arms in his custody, belonging to the State, to you, or hold the same subject to your order, that he declines to comply with your request, as he is not advised that your right to hold the office of Governor has been fully and finally determined by the courts of Arkansas.

GEORGE H. WILLIAMS, *Attorney General.*

The President to Secretary of War.

EXECUTIVE MANSION,
WASHINGTON, D. C., *April* 16.

SIR: The President directs me to request that you will please instruct the commanding officer at Little Rock, Ark., to take no part in the political controversy in that State, unless it should be necessary to prevent bloodshed or collision of armed bodies.

I am, sir, your obedient servant,
O. E. BABCOCK, *Secretary.*

The SECRETARY OF WAR.

Secretary of War to Captain Rose.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
WASHINGTON, *April* 16.

COMMANDING OFFICER,
Little Rock Barracks, Arkansas:

By direction of the President, the Secretary of War instructs that you take no part in the political controversy in the State of Arkansas, unless it should be necessary to prevent bloodshed or collision of armed bodies.

Acknowledge receipt. E. D. TOWNSEND,
Adjutant General.

The Attorney General to U. S. Marshal.

WASHINGTON, *April* 16.

Take notice of existing troubles and notify the officer commanding United States troops if collision is imminent. He is expected to prevent bloodshed.

GEORGE H. WILLIAMS, *Attorney General.*

Mayor of Little Rock to the Attorney General.

LITTLE ROCK, *April* 17.

To Attorney General WILLIAMS,
Washington, D. C.:

In your dispatch to Governor Brooks I infer that you intend to be understood as saying that

the President cannot recognize him as Governor until his right has been fully and finally recognized by the courts. I understand from your dispatch to Governor Baxter that the President cannot recognize him as Governor until his right has been settled by the Supreme Court. The Supreme Court will not be in session until June. Now, what are we to do in the meantime? Governor Baxter has issued a proclamation putting this county under martial law, and armed men, pretending to act under his orders, are patrolling the streets, stopping peaceable and unarmed citizens, and setting the authority of the city officers at defiance, and arresting the police. Not only this: private property is being forcibly seized and appropriated in a like manner. The construction placed on your dispatch by Governor Baxter is that it is a license to make an attack on the Brooks faction, with an assurance that in so doing the Federal Government will not interfere. You will readily see that the city is sure to become a scene of bloodshed, and over a strife they are not responsible for, and which they have not the power to settle under the case of facts stated and placed, when an appeal to either one of the persons claiming to be Governor lays the city authorities liable to the charge of being the partisans of the one appealed to. I desire to ask you if the Federal Government is powerless to protect the lives and property of twenty thousand inhabitants who are situated as we are. If you will instruct the officers in command of the arsenal to aid the city police in making the arrest of men who are openly violating the law and setting the same at defiance, I could preserve the peace of the city without being compelled to take sides with either of the contending factions. This question of who is the rightful Governor can only be settled by the courts, a thing that may not be done for the next twelve months, and I now implore you in the name of peace to aid me all in your power until the other question is settled.

FRED. K. KRAMER,
Mayor, City of Little Rock, Arkansas.

The Attorney General to U. S. District Attorney.

WASHINGTON, *April* 17.

S. R. HARRINGTON, Esq.,
United States Attorney, Little Rock, Ark.:

Colonel Rose must execute the orders of the War Department to prevent bloodshed and the collision of armed bodies according to his own judgment. GEORGE H. WILLIAMS,
Attorney General.

Captain Rose to Governor Baxter.

HEADQUARTERS LITTLE ROCK BARRACKS,
LITTLE ROCK, *April* 17.

SIR: I am informed by the United States marshal of this district that there is danger of a collision between the forces under your command and those of certain forces under the command of Joseph Brooks.

I therefore have the honor to enjoin upon you that you make no movement with your forces in any direction in the city of Little Rock, Ark., or its vicinity, with a view to bring about such a collision, or that may bring on such a collision, or to make any movement that may possibly bring about a collision with the United States troops under my command, or to impede any movement I may wish to make with the troops of my command to prevent the shedding of blood and the collision of armed forces.

Very respectfully, your obedient servant,
T. E. ROSE,
Capt. 16th Infantry, Commanding Post.

Gen. ELISHA BAXTER,
Commanding Forces in the State of Arkansas.

(Copy of the foregoing letter sent to Joseph Brooks.)

Baxter's Reply.

EXECUTIVE OFFICE,
LITTLE ROCK, *April* 17.

CAPTAIN: I have the honor to acknowledge the receipt of your communication of this date.

In compliance with your request, I will not advance my lines to-night toward the enemy. At the same time, I trust that your request, or injunction, does not extend to the prohibition on my part of any military operations.

I am, very respectfully, your obedient servant,
ELISHA BAXTER,
Governor of Arkansas.

Brooks's Reply.

EXECUTIVE OFFICE,
LITTLE ROCK, *April* 17.

SIR: I have the honor to acknowledge the receipt of yours of the 17th instant, "enjoining me to make no movement with the forces under my command in any direction in the city of Little Rock, Ark., or its vicinity, with a view to bring about a collision with the forces under the command of Elisha Baxter, or that may bring on such a collision, or that may bring about such a collision," &c.

The forces under my command will only be used to repel any attack that may be made by the forces under the command of Elisha Baxter, having for its object the custody or control of the state-house and state-house grounds. Any and all such attacks will be resisted with all the force at my command. I have not and do not now contemplate removing any portion of my command from the state-house grounds. My position is not one of aggression but that of defense.

I take pleasure in assuring you that the force under my command will not in any manner impede any movement having for its object what is stated in your communication of this date.

I am, sir, very respectfully, your obedient servant,
JOSEPH BROOKS,
Governor of the State of Arkansas and Commander-in-Chief.

The Attorney General to the Mayor.

DEPARTMENT OF JUSTICE,
WASHINGTON, *April* 18.

You must be aware that the President cannot interfere in the domestic difficulties of a State, except in conformity with the Constitution and laws of the United States. He cannot recognize a call made upon him for military aid by the mayor of a city. He has instructed the officer commanding the United States troops at Little

Rock to prevent bloodshed. That is all he can do under existing circumstances. I will ask, in answer to your inquiry whether the United States are powerless to protect twenty thousand people situated as the citizens of Little Rock are, if the people of Arkansas have not patriotism enough to allow a question as to who shall hold a State office to be settled peaceably and lawfully, and not bring upon their State the disgrace and ruin of civil war.

GEORGE H. WILLIAMS, *Attorney General.*
FREDERICK KRAMER, Esq.,
Mayor af Little Rock.

The President to Captain Rose.

EXECUTIVE MANSION,
WASHINGTON, D. C., *April* 18.

Captain ROSE,
Commanding U. S. Troops, Little Rock.

I have a dispatch from the acting president of the Western Union Telegraph Company, saying that "Baxter's officers now inspect all messages at Little Rock before transmission, and will allow no messenger to pass out with any message for the Brooks party, whether from the United States officials or otherwise. Under these circumstances it will be seen that this company is unable at present to maintain the sanctity of telegraphic correspondence."

While the Government takes no part in the unhappy state of affairs existing in Arkansas at this time, you will see that all official dispatches of the Government, whether from the military or civil departments, are transmitted without molestation by either of the contestants for the gubernatorial chair. Report to the Secretary of War the situation of affairs. U. S. GRANT.

Captain Rose to the Secretary of War.

LITTLE ROCK, *April* 19.

Received the President's instructions; they are carried out; there is some excitement; it will soon subside; force small on each side.

T. E. ROSE, *Capt. 16th Infantry,*
Commanding Post.

Governor Baxter to the President.

LITTLE ROCK, *April* 19.

A few days since, in the absence of my counsel, and at a time wholly unexpected, the circuit judge of this county, a court of inferior jurisdiction, rendered judgment in favor of Brooks against me for the office of Governor of the State, and without notice to me or my counsel. I was at once forcibly put out of the office, and that without any pretense of a writ being served on me. All this was done, too, after the Supreme Court of this State had twice decided that no court in the State had jurisdiction of the case at all, and the Legislature alone had the jurisdiction. At once, on being ejected from the office, I took steps to restore myself, and to get possession of the office, and to carry on the government. The people are coming to my aid, and are ready to restore me at once. In making this organization, I am obstructed by the inteference of the United States troops, in displacing my guards from the telegraph office; and now it is apprehended that there will be further interference. Such interference breaks me down, and prevents any effort on my part to restore the State government and to protect the people in their rights. I beg of you to modify any order to the extent of such interference, and leave me free to act in this way to restore law and peace as the legitimate Governor of the State. Such interference does not leave me any chance to assert my claim to the office of Governor. In the interests of peace and of those people who are flocking here to my support by the hundreds, I beg of you to remove the United States troops back to the arsenal, and permit me to restore the legitimate government by my own forces, which I will do promptly if the United States will not interfere. There is an armed insurrection against the legal State government here, and I call upon you to aid in suppressing it; but if you will not, then leave me free to act, and order the United States troops, without an hour's delay, to their own ground, and keep them out of my way. I have been thwarted and delayed thus long, and in fact ejected from my office, because of the fact that I had heretofore disbanded the militia of the State. I make this earnest demand to repress insurrection and prevent domestic violence under my sense of duty to the Constitution and laws of the United States, as well as of the State of Arkansas, and I rely confidently, as I have all the time, upon the assurances contained in your letter of September 15, 1873, to prevent the overthrow of my official authority by illegal and disorderly proceedings. An immediate answer is requested; otherwise bloodshed may be the result.

ELISHA BAXTER, *Governor of Arkansas.*

Governor Brooks to the President.

LITTLE ROCK, ARK., *April* 20.

SIR: I hereby inform you that one Elisha Baxter, a private citizen, pretending to be Governor of Arkansas, without warrant or authority of law, assumed to declare martial law in the capital county of the State, and to appoint a pretended military governor of the city of Little Rock, the seat of government; that he called out armed bodies of men for the avowed purpose of attacking and capturing the capitol of the State by military force, and forcibly installing himself as Governor of such State; that large bodies of armed men have assembled, and are continually assembling, under said Baxter's proclamation of martial law, and are in close proximity to the state-house, and have this day actually advanced on the state-house and confronted a body of Federal troops stationed in front of the State-house, under order from their commanding officer, acting under your command to preserve the peace, and were only prevented from making the attack by the presence of Federal troops; that these armed bodies have seized and appropriated private property, and are hourly seizing and appropriating private property without compensation; have conscripted, and are continually conscripting, private citizens, and compelling them to aid and abet them in their insurrectionary purposes, and have seized and are daily seizing railroads in the State, and appropriating them to the same illegal and

insurrectionary purposes; that there are armed bodies at this moment assembled within a few hundred yards of the state-house, and threaten an immediate attack upon it; that the Legislature adjourned *sine die* in April last; has not since been convened; is not now in session, and cannot be convened in time to prevent the threatened attack; that domestic violence now actually exists in this State, and at the seat of government, which the civil and military authorities under my control are powerless to prevent or suppress. Therefore I, Joseph Brooks, Governor of the State of Arkansas, in pursuance of the Constitution and laws of the United States, hereby make application to your Excellency to protect the State capital and the State of Arkansas against domestic violence and insurrection.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed at Little Rock, this the twentieth day of April, A. D. eighteen hundred and seventy-four. JOSEPH BROOKS, *Governor.*

By the Governor: EDWARD CURREY,
Secretary of State ad interim.

Captain Rose to Secretary of War.

LITTLE ROCK, *April* 20.

The condition of affairs is unchanged, except that both parties have received reinforcements. The party at the state-house is barricaded, and occupy no other part of the city. The other party is about three hundred yards from them. I am in position to move between them instantly.

T. E. ROSE, *Captain* 16*th Infantry.*

LITTLE ROCK, *April* 20.

It will not do to trust dispatches sent from here. I send this by Memphis. Since I sent my report this morning a disturbance occurred again by a mob marching in front of Baxter's quarters. I rode near to them alone on horseback to observe them, as they were violating a truce. When I got near them the leader fired a pistol at me and several of the mob fired also. I then formed the troops to resist an attack; the mob fired in all directions and stampeded without making further attack. One of the wounded is since dead; the troops nor myself did not fire a shot. I was unarmed, and therefore could not; the soldiers were too far off. I think the strife is ended. I do not need any more troops than I have. THOMAS E. ROSE,
Capt. 16*th Infantry, Commanding Post.*

LITTLE ROCK, *April* 21.

The situation is about the same, except that there is an uncontrollable armed mob constantly parading on the streets. All parties agreed to a truce until to-morrow at nine o'clock, but at about five o'clock this afternoon the usual armed mob commenced parading on the streets in front of Mr. Baxter's quarters. I immediately went near, to observe them and inquire of their leaders what their object was, about which time an indiscriminate firing took place, resulting in the wounding of two men. The leaders will now probably disperse their own mobs, and the strife cease.

THOMAS E. ROSE,
Capt. 16*th Infantry, Commanding Post.*

LITTLE ROCK, *April* 21.

In compliance with yours of yesterday, I have to report that the situation here is about the same, except that both parties continue to be reinforced. I reported to you yesterday, and received yours two hours after. After my report of yesterday, there was some disorder by hostile parties making an array against each other. This led me to throw one company of infantry to corner of Markham and Louisiana streets, and one company of infantry and two pieces of artillery to corner of Second and Louisiana; this effectually separated the two hostile forces. Negotiations are pending which I think will end the strife. THOS. E. ROSE,
Capt. 16*th Infantry, Commanding.*

LITTLE ROCK, *April* 22.

It is now proposed by Governor Baxter to evacuate the city of Little Rock and encamp on the north side of the river, with the understanding that no hostilities shall be carried on from that side of the river, nor any movements made with a view to the commencement of hostilities without due notification thereof made to the commandant of Little Rock barracks. I think such a movement would result in the disintegration of Baxter's force. There is no change in the situation since last report, except that one company of Baxter's men went home this morning.

THOMAS E. ROSE,
Capt. 16*th Infantry, Commanding Post.*

LITTLE ROCK, *April* 22.

Will you authorize me to furnish transportation to all the belligerents of both contending factions to their homes, the same to be charged to the State of Arkansas? I deem that the interests of the public good require it. It is important that you answer immediately.

T. E. ROSE, *Capt.* 16*th Infantry.*

Secretary of War to Captain Rose.

WASHINGTON, *April* 22.

The law gives me no authority to furnish transportation, and your application must be declined.

W. W. BELKNAP, *Secretary of War.*

Governor Baxter to the President.

LITTLE ROCK, *April* 22.

As I cannot move with my troops to assert my claims to the office of Governor without a collision with the United States troops, which I will not do under any circumstances, I propose to call the Legislature together at an early day, and leave them to settle the question, as they alone have the power; but to do this the members of the Legislature must have assurances of protection from you and a guarantee that they may meet in safety. This will be a peaceable solution of the difficulty, and I will readily abide by the decision of the Legislature. ELISHA BAXTER,
Governor of Arkansas.

The President to Governor Baxter.

WASHINGTON, *April* 22.

Hon. ELISHA BAXTER:

I heartily approve any adjustment peaceably

of the pending difficulties in Arkansas by means of the Legislative Assembly, the courts, or otherwise.

I will give all the assistance and protection I can under the Constitution and laws of the United States to such modes of adjustment.

I hope that the military on both sides will now be disbanded. U. S. GRANT.

Secretary of War to Captain Rose.

WASHINGTON, D. C., *April* 23.

To Captain ROSE, U. S. A.,
Little Rock, Arkansas:

You may retire to the arsenal with your command as soon as danger to life is no longer threatened, and leave the question to be settled by the contestants, by the courts, or other peaceable methods. W. W. BELKNAP,
Secretary of War.

Captain Rose to Adjutant General.

LITTLE ROCK, *April* 23.

Your dispatch of the 23d is received. I will gladly retire to the barracks as soon as I find the armed bodies disbanding in good faith. I removed my barricades and attempted to retire last evening. The effect was not satisfactory, and the troops were ordered back. There is danger of general riot, but neither party, I think, contemplates a collision. Companies C and D are at the city-hall. Company I is at the marshal's office. My headquarters are, and have been, at the Metropolitan. THOS. E. ROSE,
Capt. 16th Infantry, Commanding Post.

Governor Baxter to the President.

LITTLE ROCK, *April* 24.

In accordance with my correspondence with you by telegraph, I have convened the Legislature for the 11th May. I have sent home part of my forces, and would willingly send the balance, except a small body-guard, but Brooks retains his whole force and receives re-enforcements. All the people desire is that the peace be restored, and the Legislature prompted in the performance of their legitimate business.

ELISHA BAXTER, *Governor of Arkansas.*

LITTLE ROCK, *April* 26.

It is not true that I have declared martial law outside of Pulaski county. Nothing has been done on my part to prevent a peaceable settlement by the Legislature. I only want to protect myself until that is done.

ELISHA BAXTER, *Governor of Arkansas.*

Governor Baxter to the President.

LITTLE ROCK, ARK., *April* 27.

On the nineteenth day of this month, as Governor of this State, I telegraphed you there was an armed insurrection against the legal government of this State, and made requisition upon you for aid to suppress it and prevent domestic violence. I have just now been advised you never received that requisition. I now take occasion to say an armed insurrection exists in this State against the lawfully constituted authority thereof; and as the Legislature cannot meet until the eleventh day of May, I call upon you for aid to protect the State against domestic violence. E. BAXTER,
Governor of Arkansas.

EXECUTIVE OFFICE, STATE OF ARKANSAS,
LITTLE ROCK, *April* 28.

I, Elisha Baxter, Governor of the State of Arkansas, beg leave to inform your excellency that divers evil-disposed persons, conspiring the overthrow of the government of the State of Arkansas, have unlawfully, and by force of arms, taken possession of the capitol building and archives of the government; that the Legislature is not now in session; that the insurrection aforesaid has grown into such magnitude as to seriously interfere with, if not prevent, the assembling of the Legislature, which I have called to convene at the seat of government on the 11th day of May next, and cannot be suppressed by the State militia under my command without great bloodshed and loss of life.

Now, therefore, pursuant to the provision of the Constitution of the United States in that behalf, I respectfully call on your excellency for the necessary military force to suppress such insurrection and to protect the State against the domestic violence aforesaid.

In testimony whereof I have hereunto set my hand and affixed my private seal, the seal of the State being in the hands of the insurgents.

Done at the capitol on the day and year first above written. ELISHA BAXTER,
[L. S.] *Governor of Arkansas.*

By the Governor:
J. M. JOHNSON, *Secretary of State,*
By A. H. GARLAND, *Deputy Secretary of State.*

Governor Brooks to the President.

LITTLE ROCK, *May* 1.

H. King White, who fired on the commander of the United States troops at Little Rock, has been ordered to Pine Bluff by Baxter, and is pillaging and murdering. The State is perfectly peaceful, except in Jefferson county, the scene of White's robberies and murders. I have refrained from sending out forces, in order to avoid conflict.

JOS. BROOKS, *Governor of Arkansas.*

BARING CROSS, ARK., *May* 3.

Last evening Judges Bennett and Searle of the Supreme Court were arrested, and have been spirited away. They came to the city to attend a regular sitting of the court. The officer making the arrest, when interrogated by Judge Bennett by what authority he was arrested, replied by authority of Governor Baxter. When asked what for, the officer replied that Baxter had reason to fear that the Supreme Court, if allowed to meet, might possibly pass upon some question that might prejudice his case now pending before the Attorney General of the United States, and that the court should not meet until the question of who is Governor should be decided at Washington. I respectfully ask that you direct the officer commanding to demand a surrender of the arrested parties. The arrest of these parties has caused much excitement and indignation.

J. BROOKS, *Governor of Arkansas.*

Captain Rose to the Secretary of War.

LITTLE ROCK, *May* 4.

Last evening two of the judges of the Supreme Court of this State were arrested at Argenta, Ark., and taken from the Memphis train by parties claiming to be acting under the authority of Governor Elisha Baxter. The names of the judges arrested are John E. Bennett and E. J. Searle. Judge M. L. Stephenson was on the train at the same time, but escaped arrest. Upon careful inquiry, Governor Baxter disclaims any knowledge of the arrest or of the whereabouts of the parties arrested. I find that they were brought to Little Rock about 11 o'clock last evening: They were apparently traced to Saint John's College, but afterward taken away from that place, and at present their whereabouts is unknown. It is claimed they were on their way here to hold a regular session of the court. Governor Baxter, however, claims that they were coming here to hold a clandestine session of the court. At any rate, from Governor Baxter's report, these gentlemen are in the hands of lawless men, who are responsible to no authority. The armed forces here under Baxter and Brooks, together with the lawless bands that belong to neither, do not all amount to much to contend against regular troops, but it is impossible to prevent them from committing such acts as the one mentioned, and also many others, except by dispersing them. The friends of Messrs. Bennett and Searle think that they have been murdered. I hardly believe this to be the case, as I think Baxter's statements in regard to them are not true.

T. E. ROSE,
Captain 16th Infantry.

LITTLE ROCK, *May* 6.

Yesterday evening, at 9 o'clock p. m., a countryman brought me the following note from Judge Bennett, which explains his situation at the time it was written, as follows, viz:

BENTON, SALINE COUNTY, ARK., *May* 5, 1874.
Colonel ROSE,
Commanding U. S. Troops, Little Rock, Ark.

COLONEL: On last Saturday evening, as Judge Searle and myself were quietly seated in the cars at Argenta, opposite Little Rock, we were forcibly ejected and arrested by an armed body of men, numbering, I suppose, about twenty-five. We asked by what authority we were arrested, and were answered it was by order of Governor Baxter. We then demanded to know for what crime, or supposed crime, we were restrained of our liberty. They told us they would not tell, but said we should be immediately taken before Governor Baxter; but we have not been so taken, but have been forced to come to this place, where we now are, 12 o'clock m. On yesterday I addressed a letter to Governor Baxter, narrating the above facts, and demanding that we should be informed of the nature of the accusations against us; but as yet he has not done so, nor do I believe he will do so. The premises considered, allow me to say we are American citizens of the State of Arkansas, have always been true and loyal to the Government of both. We were both soldiers in the Federal army, Judge Searle a major and lieutenant-colonel; I have held all ranks from a sergeant to colonel of the Seventy-fifth Illinois Infantry; have been a first lieutenant in the regular army. We have always been peaceful and quiet citizens; are at present holding the honorable positions of associate justices of the Supreme Court of the State of Arkansas; have never violated any laws of God or man for which we are amenable to any tribunal in the State of Arkansas or the United States that we are aware of; but notwithstanding all this, we are now restrained of our liberty—held by main force in a country not under martial law—not where we can demand our rights as citizens of this great republic—not where we can get the benefit of the writ of *habeas corpus*, or any other nominal writ known to the civil law.. Therefore we appeal to you for assistance for our liberation. Can we have it?

Respectfully, your obedient servant,
JOHN E. BENNETT,
Associate Justice Supreme Court.

Upon the receipt of the above note I sent two detatchments toward Benton—one mounted, under Lieutenant Morrison, the other by special train. Lieutenant Morrison rescued Judge Searle about eleven miles from this place. Judge Bennett escaped to the woods, where he is now wandering. I have a detachment looking for him.

THOS. E. ROSE,
Captain 16th Infantry.

LITTLE ROCK, *May* 7.

Since last report Sergeant John Volles, company C, Sixteenth Infantry, with mounted detachment of said company has returned from the Benton road, having found and brought in Judge John E. Bennett. Both judges now liberated.

T. E. ROSE,
Captain 16th Infantry.

Governor Brooks to the President.

BARING CROSS, *May* 7.

Supreme Court decided to-day that the Pulaski circuit court has jurisdiction of the subject-matter of the case of Brooks *vs.* Baxter, and the judgment is regular and valid, and that I am Governor of Arkansas. A certified copy of the opinion has been telegraphed Attorney General Williams.

JOSEPH BROOKS.

BARING CROSS, *May* 8.

The court convened on the first Monday in December, eighteen hundred and seventy-three, under the provisions of an act fixing the time of holding the Supreme Court of this State, approved December fifth, eighteen hundred and sixty-eight, and under it has been in session in contemplation of law ever since, being adjourned by its own order from one day to another; the present sitting of the court is but a continuation of the December term.

JOSEPH BROOKS,
Governor of Arkansas.

BARING CROSS, *May* 9.

I was elected to the office of Governor of Arkansas by a large majority of votes. This I have established by the proof. In the courts I have been adjudged entitled to the office by the cir-

nit court, the only court of general jurisdiction this State. The force and effect of this judgent was submitted to the Supreme Court in a roceeding which called into question the jurisction of the circuit court, and the force and ffect of its judgment and my right to exercise he duties and office of Governor; and now the upreme Court has adjudicated me to be the lawl Governor of the State, and directed the treasrer to honor my warrant on the treasury to ppress violence and disorder, an act that can e performed only by the Governor. I, in actal possession, and exercising the functions of e office, a formidable insurrection and armed bellion against the right and lawful authorities xists, actual conflict wages, and several lives ave been lost. It is my duty to defend the overnment I have sworn to administer. I have ppealed, and do now appeal, to your excellency, Chief Magistrate of the United States, for astance to quell insurrection and domestic vionce. Two days have the insurgents projected desperate struggle to gain possession of the ate-house and public property. I am able to old the situation against all the force the insurnts can rally, but prompt recognition and inrposition on your part would prevent the effuon of much blood. JOSEPH BROOKS,
Governor of Arkansas.

Attorney General's Plan of Adjustment.

It is agreed this May 9, 1874, at Washington y, D. C., between the respective attorneys and ents of Joseph Brooks and Elisha Baxter, imants for the office of Governor of the State Arkansas, that, on account of the conflicting ims of the parties and the division of sentint among the people of said State, the Legisture of the State shall be called by the said ooks and Baxter to meet in extra session on e fourth Monday of May, A. D. 1874, at 12 lock noon, at the usual place of meeting in e state-house, each to issue a separate call thwith for that purpose, and the Legislature called shall be permitted to meet without motation or hindrance by either of said parties their adherents; that they shall receive and tertain a communication from Mr. Brooks setg forth specifically the ground for his claim to e office of Governor, as well as his reasons for ntesting Baxter's right thereto; that they shall vestigate the facts and allegations so set forth Brooks, and such investigation shall be conted in the manner prescribed by the constiional laws of the State, giving to both parties ull and fair hearing upon such competent and evant testimony as either party may offer.

That the Legislature shall determine in the nner provided by law which of the contests received, at the November election, 1872, a jority of the legal votes, and declare the re, and the parties shall abide that action. ooks and Baxter shall each relieve from duty d send home all his troops, retaining only so ny as each may think necessary as a bodyard at Little Rock, not exceeding one comny.

All warlike demonstrations are to forthwith se, and both parties are to keep absolute peace and refrain from any interference with each other or their adherents until the contest is finally decided by the Legislature, or the National Government has taken action thereon. That until the determination by the General Assembly as to who was legally elected Governor, on a contest to be made before that body by Joseph Brooks, the question as to which of the contestants has the legal right to exercise the functions of the office of Governor may, at his discretion, be determined by the President on the applications heretofore made to him by the respective contestants.

That the Legislature shall receive from each claimant to the office such communications as either may send to it until the contest for the office is finally decided by the General Assembly.

I submit the foregoing plan of adjusting the difficulties in Arkansas to the respective claimants to the office of Governor, it having been agreed to by all their friends and attorneys here, subject to approval, and I have to say that the President earnestly desires its adoption by both parties. GEO. H. WILLIAMS,
Attorney General.

(Copy of above sent to Messrs. Baxter and Brooks.)

Reply of Governor Baxter.

LITTLE ROCK, *May* 9.

HON. GEORGE H. WILLIAMS,
Attorney General U. S.:

SIR: Yours of this date, submitting a proposition for the settlement of the troubles in Arkansas, is received and fully considered A similar proposition in all respects, except so far as relates to the joint call of the Legislature, was submitted by me some two weeks since, and rejected by Brooks. I cannot consent to anything that will, in whole or part, recognize Brooks as Governor. I am Governor or I am not Governor. The Legislature has been called together for the 11th of this month. The members are rapidly assembling, with nearly a quorum present now, with the belief that they will receive the protection of the General Government in their meeting and deliberations. I could not lawfully disperse them if I would; nor have I any means of compelling a Legislature that might be convened under the proposed joint call to conform to the terms proposed. The Legislature might as well meet now and act under my call, because it might not return two weeks hence, and in the meantime we are in confusion, with no recognized Governor and the State in war. To dispose of all these matters, I have called the Legislature for the 11th instant, under the conviction it would assemble and be protected by the General Government. I now renew my appeal to the President to protect the Legislature now called. If the Legislature meets now, the question may be submitted to it fairly, and I will abide its decision fully. I am therefore constrained to decline the terms proposed. ELISHA BAXTER.
Governor of Arkansas.

Reply of Governor Brooks.

BARING CROSS, *May* 10.

To Attorney General WILLIAMS, *Washington:*

Your dispatch submitting proposition to sub-

mit question of who was duly elected Governor, and to refrain from all warlike demonstrations until the question is finally decided by the Legislature or the National Government, as proposed in your dispatch, is accepted. My claims to the governorship of Arkansas have already been adjudged in the circuit court and the right to exercise the office declared by the Supreme Court in a proceeding where the main question at issue was, who is the Governor of Arkansas? Notwithstanding this, I feel so confident of my election and the justness of my cause that I am willing to submit the question to any other tribunals you have named, and peacefully abide the determination, at all times asserting that the only tribunal that can or has the right to construe the constitution is the Supreme Court of the State, which, in its late decision in the case of Brooks against Page, determined that the circuit court had both the power and jurisdiction to adjudicate my right to the office.

JOSEPH BROOKS, *Governor of Arkansas.*

The President to Governor Brooks.

WASHINGTON, *May* 11.

I have suggested to Mr. Baxter that the members of the General Assembly now in Little Rock adjourn for a reasonable time, say ten days, to give you opportunity to call in those members who may not respond to his call, so that there may be a full Legislature. The United States will give all necessary protection to the Legislature in meeting and transacting its business as usual at the state-house, and prevent, as far as practicable, all violence and disturbance of the public peace. I urgently request that the military of both parties be at once disbanded, which is the first step toward a peaceable settlement.

U. S. GRANT.

The President to Governor Baxter.

WASHINGTON, *May* 11.

I recommend that the members of the General Assembly now at Little Rock adjourn for a reasonable time, say for ten days, to enable Brooks to call into the body his supposed adherents, so that there may be a full Legislature. Any hasty action by a part of the Assembly will not be satisfactory to the people. Brooks's friends here agree that if this course is pursued, no opposition will be made to the meeting of the Assembly in the state-house as usual, and that he will at once dismiss his forces if you will do the same. I urgently request that all armed forces on both sides be disbanded, so that the General Assembly may act free from any military pressure or influence. The United States will give all necessary protection to the Legislature, and prevent, as far as practicable, all violence and disturbance of the public peace. Answer.

U. S. GRANT.

The President to Governor Brooks.

WASHINGTON, *May* 11.

Hon. JOSEPH BROOKS, *Little Rock:*

Hon. Elisha Baxter has telegraphed the President that the General Assembly must adjourn from day to day until a quorum is present, and that then he is in favor of its adjourning until every one of your supposed adherents is present, with the understanding that he will disband his troops in the proportion that you disband yours; that you will get away as far west as he is east of the state-house, and allow it at once to be turned over to the Secretary of State, who is its legal custodian, and that you will deposit the State arms in the State armory. The members of the Legislature in Little Rock heartily approve this proposition. I am directed by the President to say that he considers this fair and reasonable, and your interests require its immediate acceptance. Answer.

GEO. H. WILLIAMS, *Attorney General.*

The President to Governor Baxter.

WASHINGTON, *May* 11.

Hon. ELISHA BAXTER, *Little Rock:*

I am directed by the President to say that he considers your proposition fair and reasonable, and I have asked Mr. Brooks for its immediate adoption by him.

GEO. H. WILLIAMS, *Attorney General.*

Governor Brooks to the President.

LITTLE ROCK, *May* 11.

To U. S. GRANT, *President:*

On the 9th of May the Attorney General submitted to me a proposition that he said had your approval. On the 10th I accepted the same out of deference to your wishes, feeling that in doing so I was humiliating myself and the courts of the State. This I did solely in the interest of peace, supposing that Baxter would be required to assent to your proposed plan of settlement. In accordance with the proposition of the Attorney General, I issued a proclamation convening the Legislature on the fourth Monday of the present month. To my surprise Baxter has declined to submit the question of his election to the Legislature. In conversation with members thereof he boldly proclaims that he does not and will not permit an investigation of his right to the office. Yet you ask me to recognize a call of the Legislature at the instance of one who declares the question at issue, and for which you insist on its being assembled, shall not be settled by the tribunal you desire convened. In the attempted organization made to-day, which failed although persons were sworn in as members from districts in which no vacancies had been declared. Both houses of the Legislature now have a quorum in existence. This quorum should pass upon the election, return, and qualifications of the newly elected members, instead of the newly elected members themselves. This action I cannot and will not willingly submit to. Section one, article four, of the Constitution of the United States, declares that full faith and credit shall be given to the judicial proceedings of every State; and if, in the face of the decision of the Supreme and circuit courts of the State deciding that I am, and recognizing me as the legal Governor, you can recognize Baxter as Governor, it is your duty to respond to his application for Federal help. If you cannot, it is your duty to assist me to suppress the present domestic violence. To disband my troops at this time under no other assurance than is

contained in your telegram of to-day, would result not only in the assassination of the judges of the Supreme Court, but of many of my friends, and especially the colored men, who have been guilty of no crime save fidelity to law and order. I shall hold my troops together for the purpose of protecting the citizens of the State who believe the expression of the will of the people at the ballot-box should be enforced, and for the protection of those who stand by the Constitution, laws, and the adjudications of the courts of the country. Federal bayonets can put Baxter's Legislature in the state-house, but I am ignorant of the clause of the Constitution under which the President has this power; nothing else will, and when there I doubt if you can compel them to determine who is Governor. It is time this agony, doubt, and uncertainty was over; the interests of humanity demand it shall be settled, and if you have the power under the Constitution and laws of the United States to settle the question of who is Governor of Arkansas adverse to the decision of the courts of the State, settle it, and settle it at once. I shall not resist what you may order United States troops to do, but shall with all the power at my command repel any and all attempts by Baxter's forces to take possession of the state-house. I am confident that a legal quorum of the Legislature will not respond to Baxter's call, and I shall not assent nor be a party to convening the Legislature under any other agreement than that submitted by yourself through the Attorney General on the 9th instant.

JOSEPH BROOKS,
Governor of Arkansas.

Governor Baxter to the President.

LITTLE ROCK, *May* 11.

Yours received and under consideration. Will answer in the course of the evening.

ELISHA BAXTER, *Governor of Arkansas.*

LITTLE ROCK, *May* 11.

There is almost a quorum of both Houses of the Legislature present, and they have power under the constitution to adjourn from day to day until they have a quorum, and they can adjourn no longer until they have a quorum. I am in favor of their adjourning as long as they please until every supposed Brooks adherent is present. With this understanding I will disband my troops in proportion as Brooks disbands his, but for the meeting of the Legislature at the usual place, Mr. Brooks must get as far from it west as I am east, and deposit the State arms in the State armory, and let the state-house and public buildings be turned over at once to J. M. Johnson, the Secretary of State, to whom under the law they belong.

ELISHA BAXTER,
Governor of Arkansas.

LITTLE ROCK, *May* 12.

Want three in the Senate and one in the House for a quorum; would have full attendance but for the interference by Brooks with the trains.

ELISHA BAXTER, *Governor.*

Gov. Brooks to the President.

BARING CROSS, *May* 11.

I am just informed that the way Baxter got a pretended quorum in the Senate was by arresting Mr. Good, a Senator from White county, and Baxter's Adjutant General keeps him under guard all the time, and makes him vote as he dictates. Senator Good is an old and feeble man and in great fear of his life. They allow none of his friends to see him unless they are present. Without him they have no quorum, although they swore in six without authority of law.

JOSEPH BROOKS, *Governor of Arkansas.*

BARING CROSS, *May* 12.

I have acted upon your suggestion as to the assembling of the Legislature on the 25th instant; before that time it will be impossible to have all the members of that body present. I understand the question is likely to be presented to Congress. I feel so confident of the justness of my cause that I am content that either the latter body or a full Legislature investigate the fact regarding the election, in conformity with terms of your adjustment of May 9. If it is to be done by the Legislature, I insist upon time for all the members to assemble, which cannot be earlier than the 25th instant, the time designated by you.

JOSEPH BROOKS, *Governor of Arkansas.*

BARING CROSS, *May* 12.

To Hon. GEORGE H. WILLIAMS,
Attorney General, Washington, D. C.:

The members of the General Assembly here, even if there were a quorum, and there is not, do not constitute a Legislature, unless convened by the Governor. If you recognize this assemblage as a Legislature, you recognize Baxter as Governor, for no one but the Governor can convene the Legislature in extraordinary session; if it is not a Legislature called by proper authority, its adjournment is a matter of no consequence so far as the Secretary of State in concerned; if any of his prerogatives are interfered with, the courts of the State, and not the President, is the proper tribunal before which to redress his grievances. I have answered the President's dispatch at length, and I shall not disband any troops under my command until the question of who is Governor of Arkansas is settled, unless required so to do by the direct command of the President. I have no proposition to submit, and will not entertain any on the subject other than that proposed by yourself, sactioned by the President, and agreed to by the agents and attorneys of Baxter and myself. The case made on the papers requires the President to recognize either Baxter or myself as Governor of Arkansas; the settlement of the question either before the courts or the Legislature is one that, in my opinion, does not require the intercession of the President on Baxter's behalf. He must act on the papers before him, and not upon what a Legislature may or may not do in the future upon a majority of the votes of the legal voters of this State, and upon the judgments of the Supreme and circuit courts, I am willing to stand or fall. But if those are to be held for naught by the President until such time as he can ascertain the opinion of the Legislature to guide him in determining who is Governor, and during the pendency of the question to allow the State and citizens to be plundered and robbed by an armed

mob which has already fired upon Federal troops and commenced an indiscriminate slaughter of colored men, to avoid a further sacrifice of life and loss of property I am impelled by a sense of duty to submit my case as it now stands, and abide the President's determination.

JOSEPH BROOKS, *Governor of Arkansas.*

Governor Baxter to the President.

LITTLE ROCK, *May* 12.

I am informed Mr. Brooks is now removing all of the records of State from the public buildings.

I respectfully ask that the public records be returned to the public buildings, and placed in charge of the United States troops here until the return of the Secretary of State, who is the proper custodian under the law. Answer.

ELISHA BAXTER, *Governor of Arkansas.*

Reply of Attorney General.

WASHINGTON, *May* 12.

I know nothing that we can do here about the reported removal of the records by Brooks. The probabilities are that if the records are taken away from the public buildings, they will in due time be returned.

GEO. H. WILLIAMS, *Attorney General.*

Governor Baxter to the President.

LITTLE ROCK, *May* 13.

The assertion of Brooks that assassination will follow the disbandment of his troops, in my opinion, is utterly unfounded. In the event of disbandment, I will use every possible means to preserve perfect peace, and would ask the co-operation of the Federal troops to assist in preserving order. ELISHA BAXTER,

Governor of Arkansas.

Capt. Rose to the Secretary of War.

LITTLE ROCK, *May* 13.

Both sides here considerably re-enforced. Baxter has two additional brass guns. For two days there has been some street fighting, though of a very low grade. Cannot watch it all without a small mounted force; the troops here too much fatigued to do mounted service in addition to other duties. If cavalry is sent here, there is no need of horses; want a few more men and cavalry arms. T. E. ROSE,

Capt. 16th Infantry, Commanding.

Governor Brooks to the President.

BARING CROSS, *May* 14.

First. I was elected by the vote of the people. This is universally admitted by all parties, is not denied by Baxter, and has been clearly proven by the testimony on file in the circuit court.

Second. I have a judgment of the circuit court, our only court of general and original jurisdiction, awarding me the office to which the people elected me.

Third. Under that judgment I am in possession of the office and exercising its functions, and have been for thirty days.

Fourth. The Supreme Court has passed upon my claims collaterally, in which it is clearly decided that the circuit court has jurisdiction of the subject-matter; that the proceedings are regular and the judgment authoritative and binding; that as Governor I am authorized to draw warrants upon the treasurer of State according to law.

Fifth. I have, with the sole exception of the Secretary of State, the recognition and co-operation of every branch and member of the State government.

Sixth. The actual case decided by the circuit court has gone up by appeal and will doubtless be decided in a few days.

Seventh. In the interest of peace I promptly acceded to your proposition of May 9, to submit the question as therein proposed to a full Legislature, convened under a mutual call of Baxter and myself, which, among other things, provided that all the votes cast at the November election, 1872, should be counted and the result declared. This is all I have ever asked for, either from Legislature or courts. This having been rejected by Baxter, and Congress apparently disposed to inquire into the case, I now propose cheerfully to submit to, and ask, an investigation as to who received the majority of votes, to be conducted upon the ground by a congressional committee, and consent to abide their decision. I am reliably informed that Baxter refused your proposition of May 9, for the reason that it required all the votes to be counted, and the result declared. He has uniformly, ever since the election, made every effort to prevent an investigation into the result of the election—has never raised any question but that of jurisdiction, and now openly declares that he will not submit to any such investigation. If I do not establish unequivocally that I was elected and am, both in law and equity, entitled to exercise the functions of Governor of Arkansas, I will promptly and without a murmur retire. JOSEPH BROOKS,

Governor of Arkansas.

BARING CROSS, *May* 14.

In my dispatch to you of the 11th instant I stated that a quorum of both Houses existed, and that this quorum should pass upon the election, returns, and qualifications of the new members. There are now fourteen pretended members of the Senate here. Six of this number were admitted to seats without any evidence of election, and pretend to represent districts where no vacancies had been declared. In the House there are forty-five pretended members present. Twenty-three of this number were admitted to seats without any evidence of election, and to represent districts where no vacancies had been declared. Instead of there being a legal quorum in either branch of the Legislature, there is in point of fact but eight Senators in the Senate and twenty-two Representatives in the House, when there should be fourteen Senators and forty-two Representatives to constitute a quorum in both Houses of the Legislature. You will readily see why I could not consent to recognize his call. I was willing, and am now willing, to make a joint call of the Legislature to meet at the state-house, and let the quorum now in existence pass upon the question as to whether there are any vacancies in the districts

these few members claim to represent, and whether they are entitled to seats, but I cannot consent to recognize a body organized as this has been, within the lines of Baxter, where no man can enter it without a pass from himself or one of his subordinate officers. As to whether the present pretended Legislature, it being called by Baxter after the judgment of ouster, and after I was in full possession of the office, has any authority depends upon the fact as to whether it was convened by the Governor of Arkansas. This is a question that can only be determined by the courts of this State, and the moment it takes any affirmative action I shall bring the matter before the Supreme Court, which is now in session, and test the question. That tribunal having lately compelled the treasurer of State to pay a warrant drawn upon a fund that no one but the Governor can use, has recognized me as Governor, and it is not unreasonable to assume under this state of facts that the courts will not recognize any act passed by a Legislature called together by one who is not authorized to convene it. JOSEPH BROOKS.

Opinion of the Attorney General.

DEPARTMENT OF JUSTICE,
WASHINGTON, *May* 15, 1874.

SIR: Elisha Baxter, claiming to be Governor of Arkansas, having made due application for executive aid to suppress an insurrection in that State, and Joseph Brooks, claiming also to be Governor of said State, having made a similar application, and these applications having been referred by you to me for an opinion as to which of these persons is the lawful executive of the State, I have the honor to submit:

That Baxter and Brooks were candidates for the office of Governor at a general election held in Arkansas on the 5th day of November, 1872. Section 19 of article VI of the constitution of the State provides that—

"The returns of every election for Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, and Superintendent of Public Instruction shall be sealed up and transmitted to the seat of government by the returning officers, and directed to the presiding officer of the Senate, who, during the first week of the session, shall open and publish the same in the presence of the members then assembled. The person having the highest number of votes shall be declared elected; but if two (2) or more shall have the highest and equal number of votes for the same office, one of them shall be chosen by joint vote of both Houses. *Contested elections* shall likewise be determined by both Houses of the General Assembly, in such manner as is or may thereafter be prescribed by law."

Pursuant to this section, the votes for Governor at said election were counted, and Baxter was declared to be duly elected.

Said section, as it will be noticed, after providing for a canvass of the votes, specially declares that "*contested elections shall likewise be determined* by both Houses of the General Assembly, in such manner as is or may hereafter be prescribed by law." When this constitution was adopted, there was a law in the State, which continues in force, prescribing the mode in which the contest should be conducted before the General Assembly, the first section of which is as follows:

"*All contested elections of Governor* shall be decided by the joint vote of both Houses of the General Assembly, and in such joint meeting the president of the Senate shall preside."

Brooks accordingly presented to the lower House of said Assembly his petition for a contest, but, by the decisive vote of sixty-three to nine, it was rejected by that body. Subsequently the Attorney General, upon the relation of Brooks, applied to the Supreme Court of the State for a writ of *quo warranto* to try the validity of Baxter's title to the office of Governor, in which it was alleged that Baxter was a usurper, &c.; but the court denied the application, upon the ground that the courts of the State had no right to hear and determine the question presented, because exclusive jurisdiction in such cases had been conferred upon the General Assembly by the constitution and laws of the State. Brooks then brought a suit against Baxter, in the Pulaski circuit court, under section 525 of the civil code of Arkansas, which reads as follows:

"Whenever a person usurps an office or franchise to which he is not entitled by law, an action by proceedings at law may be instituted against him, either by the State or party entitled to the office or franchise, to prevent the usurper from exercising the office or franchise."

Brooks stated in his petition that he received more than 45,000 votes, and that Baxter received less than 30,000 votes for Governor at such election, and after declaring that Baxter has usurped the office, prays that it may be given to him by the judgment of the court, and that he may recover the sum of $2,000, the emoluments of said office withheld from him by Baxter. This presented to the court the simple question of a contest for the office of Governor. Baxter demurred to this petition, on the ground that the court had no jurisdiction of the case, and afterward, on the 15th of April, the court, in the absence of the defendant's counsel, overruled the demurrer, and, without further pleadings or any evidence in the case, rendered judgment for Brooks, in accordance with the prayer of his petition. Brooks, within a few minutes thereafter, without process to enforce the execution of said judgment, and with the aid of armed men, forcibly ejected Baxter and took possession of the Governor's office. On the next day after the judgment was rendered Baxter's counsel made a motion to set it aside, alleging, among other things, as grounds therefor, that they were absent when the demurrer was submitted and the final judgment thereon rendered; that the judgment of the court upon overruling the demurrer should have been that the defendant answer over, instead of which a final judgment was rendered without giving any time or opportunity to answer the complaint upon its merits; that the court assessed the damages without any jury or evidence; and finally, that the court had no jurisdiction over the subject-matter of the suit. But the next day this motion was overruled by the court.

Section 4, article IV of the Constitution of the United States is as follows:

"The United States shall guarantee to every

State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature or of the executive, (when the Legislature cannot be convened,) against domestic violence."

When, in pursuance of this provision of the Constitution, the President is called upon by the executive of a State to protect it against domestic violence, it appears to be his duty to give the required aid, especially when there is no doubt about the existence of the domestic violence; but where two persons, each claiming to be Governor, make calls respectively upon the President under said clause of the Constitution, it of course becomes necessary for him to determine in the first place which of said persons is the constitutional Governor of the State.

That section of the constitution of Arkansas, heretofore cited, in my opinion, is decisive of this question as between Baxter and Brooks. According to the constitution and laws of the State, the votes for Governor were counted and Baxter was declared elected, and at once was duly inaugurated as Governor of the State. There is great difficulty in holding that he usurped the office into which he was inducted under these circumstances. Assuming that no greater effect is to be given to the counting of the votes in the presence of the General Assembly than ought to be given to a similar action by any board of canvassers, yet when it comes to decide a question of contest, the General Assembly is converted by the constitution into a judicial body, and its judgment upon that question is as final and conclusive as is the judgment of the Supreme Court of the State upon any matter within its jurisdiction. Parties to such a contest plead and produce evidence, according to the practice provided in such cases, and the controversy is invested with the forms and effect of a judicial procedure. When the people of the State declared in their constitution that a contest about State officers *shall be determined* by the General Assembly, they cannot be understood as meaning that it might be determined in any circuit court of the State. To say that a contest *shall be determined* by a decision, and then to say, after the decision is made, that such contest is not determined, but is as open as it ever was, is a contradiction in terms. Can it possibly be supposed that the framers of this Constitution, when they declared that contested elections about State officers, including the Governor, should be determined by the General Assembly, intended that any such contest should be just as unsettled after as it was before such determination of it? Manifestly they intended to create a special tribunal to try claims to the high offices of the State; but the tribunal is not special if the courts have concurrent jurisdiction over the subject. Brooks appears to claim that when a contest for Governor is decided by the General Assembly, the defeated party may treat the decision as a nullity, and proceed *de novo* in the courts. This makes the constitutional provision as to the contest of no effect, and the proceedings under it an empty form. When the House of Representatives dismissed the petition of Brooks for a contest, it must be taken as a decision of that body upon the questions presented in the petition; but it is not of any consequence whether or not the General Assembly has in fact decided the contest, if the exclusive jurisdiction to do so is vested in that body by the constitution and laws of the State. Section 14 of article 5 of the constitution of Arkansas, like most other constitutions, declares that each House of the Assembly shall judge of the qualifications, election, and return of its members, and it has never been denied anywhere that these words confer exclusive jurisdiction; but the terms, if possible, are more comprehensive by which the constitution confers upon the Legislative Assembly jurisdiction to judge of the election of State officers. Doubtless the makers of the constitution considered it unsafe to lodge in the hands of every circuit court of the State the power to revolutionize the executive department at will, and their wisdom is forcibly illustrated by the case under consideration, in which a person who had been installed as Governor according to the constitution and laws of the State, after an undisturbed incumbency of more than a year, is deposed by a circuit judge, and another person put in his place upon the unsupported statement of the latter that he had received a majority of the votes at the election.

Looking at the subject in the light of the constitution alone, and it appears perfectly clear to my mind that the courts of the State have no right to try a contest about the office of Governor, but that exclusive jurisdiction over that question is vested in the General Assembly. This view is confirmed by judicial authority. Summing up the whole discussion, the Supreme Court of Arkansas say in the case of The Attorney General *vs.* Baxter, above referred to:

"Under this constitution the determination of the question as to whether a person exercising the office of Governor has been duly elected or not, is vested exclusively in the General Assembly of the State, and neither this nor any other State court has jurisdiction to try a suit in relation to such contest, be the mode or form what it may be; whether at the suit of the Attorney General, or on the relation of a claimant through him, or by an individual alone, claiming a right to the office. Such issue should be made before the General Assembly. It is their duty to decide, and no other tribunal can determine that question. We are of the opinion that this court has no jurisdiction to hear and determine a writ of *quo warranto* for the purpose of rendering a judgment of ouster against the chief executive of this State, and the right to file an information and issue a writ for that purpose is denied."

Some effort has been made to distinguish this case from that of Brooks *vs.* Baxter in the circuit court, by calling the opinion a dictum; but the point presented to and decided by the Supreme Court was, that in a contest for the office of Governor the jurisdiction of the General Assembly was exclusive, which, of course, deprived one court as much as another of the power to try such a contest.

There is, however, another decision made by the same court upon the precise question presented in the case of Brooks *vs.* Baxter. Berry was a candidate for State auditor on the same ticket with Brooks. Wheeler, his competitor, was declared elected by the General Assembly.

Berry then brought a suit under said section 525, in the Pulaski circuit court, to recover the office. Wheeler applied to the Supreme Court for an order to restrain the proceedings, and that court issued a writ of prohibition forbidding the said court to proceed, on the ground that it had no jurisdiction in the case. As to the questions of law involved, the cases of Berry and Brooks are exactly alike. That this circuit court should have rendered a judgment for Brooks under these circumstances is surprising, and it is not too much to say that it presents a case of judicial insubordination which deserves the reprehension of every one who does not wish to see public confidence in the certainty and good faith of judicial proceedings wholly destroyed.

Chief Justice McClure, who dissented in the case of The Attorney General *vs.* Baxter, delivered the opinion of the court in the Wheeler case, in which he uses the following language:

"The majority of the court in the case of The State *vs.* Baxter, under the delusion that *quo warranto* and a contested election proceeding were convertible remedies, having one and the same object, decides that *neither this nor any other State court*, no matter what the form of action, had jurisdiction to try a suit in relation to a *contest* for the office of Governor. As an abstract proposition of law, I concede the correctness of the rule, and would have assented to it if the question had been before us. The question now before this court is precisely one of contest and nothing else.

"As to all matters of *contested election* for the offices of Governor, Lieutenant Governor, Secretary of State, auditor, treasurer, attorney general, and superintendent of public instruction, I am of the opinion that it can only be had before the General Assembly."

He then adds in conclusion:

"I think a writ of prohibition ought to go to prohibit the circuit court from entertaining jurisdiction of that portion of Berry *vs.* Wheeler that has for its object a recovery of the office."

All five of the judges heard this case, and there was no dissent from these views as to the question of jurisdiction.

To show how the foregoing decisions are understood in the State, I refer to a note by the Hon. H. C. Caldwell, judge of the district court of the United States for the eastern district of Arkansas, upon section 2379 of a digest of the statutes of the State, lately examined and approved by him, which is as follows:

"By the provisions of section 19 of article VI of the Constitution, the jurisdiction of the General Assembly over cases of contested election for the offices in said section enumerated is exclusive. (Attorney General on the relation of Brooks vs. Baxter, Ms. Op., 1873. Wheeler vs. Whytock, Ms. Op., 1873.")

It is assumed in the argument for Brooks that the judgment of the Pulaski circuit court is binding as well upon the President as upon Baxter until it is reversed; but where there are conflicting decisions, as in this case, the President is to prefer that one which, in his opinion, is warranted by the constitution and laws of the State. The General Assembly has decided that Baxter was elected. The circuit court of Pulaski county has decided that Brooks was elected. Taking the provision of the Constitution which declares that *contested elections* about certain State officers, including the Governor, *shall be determined* by the General Assembly, and that provision of the law heretofore cited which says that *all contested elections of Governor shall be decided* by the Legislature, and the two decisions of the Supreme Court affirming the exclusive jurisdiction of that body over the subject, and the conclusion irresistibly follows that said judgment of the circuit court is void. A void judgment binds nobody. Said section 525, under which this judgment was rendered, must be construed with reference to the constitution and other statutes of the State, and is no doubt intended to apply to county and other inferior officers for which no provision elsewhere is made; but the constitution takes the State officers therein enumerated out of the purview of this section and establishes a special tribunal to try those contested election cases to which they are parties. The jurisdiction of this tribunal is exclusive. (Ohio *vs.* Grisell & Menlon, 15 Ohio, 114; Attorney General *vs.* Garragues, 28 Penn., 9; Com. *vs.* Baxter, 35 *Id.*, 263; Com. *vs.* Leech, 44 *Id.*, 332.)

Respecting the claim that Brooks received a majority of the votes at the election, it must be said that the President has no way to verify that claim. If he had, it would not, in my opinion, under the circumstances of this case, be a proper subject for his consideration. Perhaps, if everything about the election was in confusion and there had been no legal count of the votes, the question of majorities might form an element of the discussion, but where, as in this case, there has been a legal count of the votes and the tribunal organized by the constitution of the State for that purpose has declared the election, the President, in my judgment, ought not to go behind that action to look into the state of the vote. Frauds may have been committed to the prejudice of Brooks; but, unhappily, there are few elections, where partisan zeal runs high, in which the victorious party, with more or less of truth, is not charged with acts of fraud.

There must, however, be an end to controversy upon the subject. Somebody must be trusted to count votes and declare elections. Unconstitutional methods of filling offices cannot be resorted to because there is some real or imagined unfairness about the election. Ambitious and selfish aspirants for office generally create the disturbance about this matter, for people are more interested in the preservation of peace than in the political fortunes of any man. Either of the contestants with law and order is better than the other with discord and violence.

I think it would be disastrous to allow the proceedings by which Brooks obtained possession of the office to be drawn into precedent. There is not a State in the Union in which they would not produce conflict and probably bloodshed. They cannot be upheld or justified upon any ground, and, in my opinion, Elisha Baxter should be recognized as the lawful executive of the State of Arkansas.

Since the foregoing was written I have re-

ceived a telegraphic copy of what purports to be a decision of the Supreme Court of Arkansas, delivered on the 7th instant, from which it appears that the auditor of the State, upon the requisition of Brooks, drew his warrant on the treasurer for the sum of $1,000, payment of which was refused. Brooks then applied to the Supreme Court for a writ of *mandamus* upon the treasurer, who set up by way of defense that Brooks was not Governor of the State, to which Brooks demurred, and thereupon the court say:

"The only question that we deem it necessary to notice is, did the circuit court have jurisdiction to render the judgment in the case of Brooks *vs.* Baxter? We feel some delicacy about expressing an opinion upon the question propounded, but, under the pleadings, it has to be passed upon incidentally, if not absolutely, in determining whether the relator is entitled to the relief asked for, his right to the office, if established by the judgment of the circuit court of Pulaski county. We are of opinion the circuit court had jurisdiction of the subject-matter, and its judgment appears to be regular and valid. Having arrived at these conclusions, the demurrer is overruled, and the writ of *mandamus* will be awarded as prayed for."

To show the value of this decision, it is proper that I should make the following statement:

On the 20th of April Brooks made a formal application to the President for aid to suppress domestic violence, which was accompanied by a paper signed by Chief Justice McClure and Justices Searle and Stephenson, in which they stated that they recognized Brooks as Governor, and to this paper also is appended the name of Page, the respondent in the above-named proceedings for *mandamus*. Page, therefore, did not refuse to pay the warrant of the auditor because he did not recognize Brooks as Governor, but the object of his refusal evidently was to create such facts as were necessary to make a case for the Supreme Court. Accordingly, the pleadings were made up by the parties, both of whom were on the same side in the controversy, and the issue so made was submitted to judges virtually pledged to give the decision wanted. and these, within the military encampment of Brooks, they hurriedly, but with delicacy, as they say, decided that he is Governor, a decision in plain contravention of the constitution and laws of the State, and in direct conflict with two other recent decisions of the same court, deliberately made.

I refrain from comment. More than once the Supreme Court of the United States has decided that it would not hear arguments upon a case made up in this way, and a decision obtained under such circumstances is not recognized as authority by any respectable tribunal. No doubt this decision will add to the complications and difficulties of the situation, but it does not affect my judgment as to the right of Baxter to the office of Governor until it is otherwise decided upon contest made by the Legislature of the State.

On the 11th instant the General Assembly of the State was convened in extra session upon the call of Baxter, and both Houses passed a joint resolution pursuant to section 4 of article IV of the Constitution of the United States, calling upon the President to protect the State against domestic violence. This call exhausts all the means which the people of the State have, under the Constitution, to invoke the aid of the Executive of the United States for their protection, and there seems to be, under the circumstances of the case, an imperative necessity for immediate action.

I have the honor to be, with great respect,

GEO. H. WILLIAMS, *Attorney General.*

The President.

For PRESIDENT'S proclamation see chapter IX.

The President to General Sherman.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
WASHINGTON, *May* 16.

GENERAL: I am instructed by the Secretary of War to communicate to you the following orders of the President, and to request you will direct the commanding officer at Little Rock, Captain Thos. E. Rose, Sixteenth Infantry, by telegraph, to see that they are properly carried out.

The President directs that as his proclamation recognizing Baxter as lawful Governor has been issued, he is to be protected in that position by the United States forces, if necessary.

I am, General, very respectfully, your obedient servant.

E. D. TOWNSEND, *Adjutant General.*

General W. T. SHERMAN, *United States Army.*

General Sherman's Order.

HEADQUARTERS ARMY OF THE UNITED STATES,
WASHINGTON, *May* 16.

General W. H. EMORY,
Commanding Department of the Gulf,
New Orleans, La.:

The President has recognized Governor Baxter as the legal Governor of Arkansas by his proclamation of yesterday. You will accordingly instruct the commanding officer at Little Rock, and all other garrisons serving in Arkansas, to recognize Governor Baxter as the legal Governor of that State, and afford him all the protection in that position which the case calls for.

By command of General Sherman.

WM. D. WHIPPLE, *Assistant Adjutant General.*

Louisiana.

United States Marshal to Attorney General.

NEW ORLEANS, *November* 16, 1872.

Attorney General GEORGE H. WILLIAMS:

Requisition was made by chief supervisor for troops and referred to General Emory to learn desire of Government. State court enjoined Warmoth's new canvassing board, but disregarded. United States circuit court has to-day restrained Warmoth and his canvassing board from canvassing vote pending trial of rule for injunction fixed for Tuesday. Enforcement law has been defied by over half Warmoth's election officers. United States commissioner has already issued warrants for many of them, which have been executed.

S. B. PACKARD,
U. S. Marshal.

[NOTE.—For full copies of these restraining

orders, see Ex. Doc. H. R. 91, 42d Cong., 3d Sess., pp. 239–249.—Ed.]

Attorney General to U. S. Marshal.

DEPARTMENT OF JUSTICE, *Dec.* 3.

S. B. PACKARD, ESQ., *U. S. Marshal, New Orleans, Louisiana.*

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS, *Attorney General.*

United States Collector to the President.

NEW ORLEANS, *Dec.* 6.

President GRANT:

Marshal Packard took possession of state-house this morning at an early hour with military posse, in obedience to a mandate of circuit court, to prevent illegal assemblage of persons under guise of authority of Warmoth's returning board in violation of injunction of circuit court. Decree of court just rendered declares Warmoth's returning board illegal, and orders the returns of the election to be forthwith placed before the legal board. This board will probably soon declare the result of the election of officers of State and Legislature, which will meet in state-house with protection of court. The decree was sweeping in its provisions, and if enforced will save the republican majority and give Louisiana a republican Legislature and State government, and check Warmoth in his usurpations. Warmoth's democratic supporters are becoming disgusted with him, and charging that his usurpations are ruining their cause. JAS. F. CASEY.

"Mandate" of U. S. Court.

Circuit court of the United States, fifth circuit and district of Louisiana, in equity—No. 6830. William P. Kellogg *vs.* H. C. Warmoth *et als.* Whereas Henry C. Warmoth, one of the respondents herein, has, in violation of the restraining order herein, issued the following proclamation and returns of certain persons claiming to be a board of returning officers, all in violation and contempt of the said restraining order, as follows, viz:

"PROCLAMATION.

"STATE OF LOUISIANA, EXECUTIVE DEPARTMENT, *"New Orleans, Dec.* 4, 1872.

"Whereas P. S. Wiltz, Gabriel D. Feriet, Thomas Isabelle, J. A. Taylor, and J. E. Austin, returning officers appointed by the Governor to fill vacancies existing, in accordance with the constitution and laws of the State of Louisiana, have made declaration of the result of an election held November 4, 1872, and have declared certain persons elected to the Senate and House of Representatives of the State of Louisiana, as will appear from the returns herewith attached and made a part of this proclamation; and

"Whereas such returns are compiled from the official returns of commissioners of election and supervisors of registration, on file in this office, and are in fact and in form accurate and correct, and made in accordance with law:

"Now, therefore, I, Henry Clay Warmoth, Governor of the State of Louisiana, do issue this my proclamation, making known the result of said election aforesaid, and command all officers and persons within the State of Louisiana to take notice of and respect the same.

"Given under my hand and the seal of the State this fourth day of December, A. D. 1872, and of the independence of the United States the ninety-seventh. H. C. WARMOTH.

"By the Governor: Y. A. WOODWARD,

"Assistant Secretary of State."

Now, therefore, in order to prevent the further obstruction of the proceedings in this cause, and, further, to prevent a violation of the orders of this court, to the imminent danger of disturbing the public peace, it is hereby ordered that the marshal of the United States for the district of Louisiana shall forthwith take possession of the building known as the Mechanics' Institute, and occupied as the state-house for the assembling of the Legislature therein, in the city of New Orleans, and hold the same subject to the further order of this court, and meanwhile to prevent all unlawful assemblage therein under the guise or pretext of authority claimed by virtue of pretended canvass and returns made by said pretended returning officers in contempt and violation of said restraining order; but the marshal is directed to allow the ingress and egress to and from the public offices in said building of persons entitled to the same.

E. H. DURELL, *Judge.*

NEW ORLEANS, LOUISIANA, *December* 5, 1872.

Restraining Order of U. S. Court.

Circuit court of the United States, district of Louisiana, in equity.

Wm. Pitt Kellogg, complainant, *vs.* Henry C. Warmoth, Jack Wharton, Frank H. Hatch, Durant Da Ponte, and John McEnery, and The New Orleans Republican Printing Company, defendants.	No. 6830.—Order entered December 6, 1872.

This cause having come on for hearing on the complainant's motion for writs of injunction *pendente lite*, and for other interlocutory orders prayed for in complainant's bill and amended bill of complaint, and the court having considered the pleadings, affidavits, and exhibits filed in the cause, and having heard counsel as well for the complainant as for said defendants, and the court having considered the premises, it is ordered—

That the said defendant, Henry C. Warmoth, during the pendency of this cause, be, and he hereby is, until the further order of this court, enjoined, inhibited, and restrained from in any manner, either directly or indirectly, considering or pretending to consider, or canvass any statement, certificate, or return of any supervisor or assistant supervisor of registration, or any office having any duties to perform about or concerning an election held on the fourth day of November, A. D. 1872, in the State of Louisiana, or relating to any votes or ballots cast at said election, except in the presence of John Lynch, Jacob Hawkins, James Longstreet, and George E. Bovee, a board of returning officers for said election; and that he do further desist and refrain from submitting or allowing to be sub-

mitted, or from aiding or assisting in the submission to the defendants, Frank Hatch, Jack Wharton, Durant Da Ponte, or any other person or persons whatsoever, other than the said Hawkins, Bovee, Lynch, and Longstreet, any paper, document, affidavit, statement of votes, return of officers of election, or other proof in any manner relating to said election, and from allowing any other person or persons whatsoever, other than those in this order excepted, whether pretending to act as returning officers, or in any other capacity, to inspect, consider, have access to, canvass, or tamper with any paper, document, affidavit, statement of votes, returns or written proof relating to said election or to the fairness and correctness thereof, that may have heretofore or may hereafter come into his hands or possession, and which, by law, should properly be laid before, submitted to, or considered by such returning officers of election in making a canvass thereof. And that the said defendant, H. C. Warmoth, be further enjoined and inhibited from altering, suppressing, mutilating, destroying, or secreting any such document, proof, or paper. And that he further desist and be enjoined from in any manner interfering with, obstructing, or hindering the said Lynch, Longstreet, Bovee, and Hawkins, or either of them, from full and complete access to, as well as custody of, all such documents, papers, and proofs relating to said election, as he may or shall have in his possession, custody, or control, or as they shall or may demand, either by refusing to deliver such documents or proofs to them, or either of them, or by any suit or proceeding instituted with the intent to hinder, delay, or obstruct them in the performance of their duty as returning officers. And that he be further restrained and enjoined from issuing commissions to any persons based upon any calculation, deduction, or pretended canvass of ballots cast at said election, or make, publish, sign, or deposit in the office of the Secretary of State, or in any other public office, or cause to be so deposited, any document, statement of persons elected to any offices or positions of trust at said election, and from giving any effect to the same if already filed and deposited, unless the same be with the concurrent action and lawfully given consent of the said Lynch, Hawkins, Bovee, and Longstreet, or a majority thereof, or of a sufficient number of them to constitute a majority of a board of returning officers, acting as such returning officers.

And it is further ordered that the said defendants, Jack Wharton, Frank H. Hatch, Durant Da Ponte, and the New Orleans Republican Printing Company, until the final hearing of this cause, or until the further order of the court, be severally and respectively enjoined and restrained to the same extent, effect, and manner as said complainant has in his said bill of complaint prayed they may severally and respectively be restrained. And that writs of injunction in due form of law issue against the said defendants, in accordance with the terms of this order. And that the returning order heretofore issued and allowed in this cause continue in full force and effect, until the court shall otherwise order.

And in order that the evidence relating to said election may be perpetuated and preserved, that it may be of avail upon the hearing of this cause, and in any cause which the said complainant may hereafter be compelled to institute and prosecute to test or determine his right to the office of Governor of said State, and in order that public inconvenience may not result therefrom, it is further ordered that the said Henry C. Warmoth do forthwith and without delay deliver unto the said returning officers, John Lynch, George E. Bovee, Jacob Hawkins, and James Longstreet, each and every paper, document, affidavit, tally-sheet, list, sworn statement, certificate, letter, communication, or proof which he has or may have in his possession, or which may hereafter come into his possession from any supervisor or assistant supervisor of registration or election, or any officer or person, commissioner or commissioners, in any manner concerned in the conduct, control, management, or direction of said election, held on the fourth day of November, A. D. 1872, in any manner relating to said election, or any voting or ballots cast at said election or in any manner relating thereto, in order that they may consider, canvass, and make due return thereof, as required by law; and when the same are no longer required for the purpose of said canvass, it is ordered that the said defendant, H. C. Warmoth, do thereafter immediately file and deposit the same with the clerk of this court, there to remain until true, accurate, and complete attested copies thereof be made by the clerk, subject to the direction of the court.

Injunction of U. S. Court, referred to above, issued December 6, 1872.

Circuit court of the United States, fifth circuit and district of Louisiana.

Wm. Pitt Kellogg
vs.
Henry C. Warmoth, Jack Wharton, Frank H. Hatch, Durant Da Ponte, John McEnery, and the New Orleans Republican Printing Company. } No. 6830.

The President of the United States, greeting:

Whereas it has been represented to us in our said circuit court on the part of William P. Kellogg, by his bill of complaint lately exhibited against you and each of you, touching certain matters and things therein set forth:

Now, therefore, in consideration of the premises and of the allegations in said bill contained, you, the said above named defendants, your attorneys, and each of you, are hereby commanded and strictly enjoined, under the penalty of the law, that you absolutely refrain and desist during the pendency of this cause, until the further order of this court, from in any manner, either directly or indirectly, considering or pretending to consider, or canvass any statement, certificate, or return of any supervisor or assistant supervisor of registration, or any officer having any duties to perform about or concerning an election held on the 4th day of November, 1872, in the State of Louisiana, or relating to any votes or ballots cast at said election, except in the presence of John Lynch, Jacob Hawkins, James Longstreet, and George E. Bovee, a board of re-

turning officers for said election, or from submitting or allowing to be submitted, or from aiding or assisting in the submission to the said defendants, Frank H. Hatch, Jack Wharton, Durant Da Ponte, or any other person or persons whatsoever, other than the said Hawkins, Bovee, Lynch, and Longstreet, any paper, document, affidavit, statement of votes, return of officers of election, or other proof in any manner relating to said election, and from allowing any other person or persons whatsoever, other than those in this order excepted, whether pretending to act as returning officers, or in any other capacity, to inspect, consider, have access to, canvass, or tamper with any paper, document, affidavit, statement of votes, return, or written proof relating to said election, or to the fairness and correctness thereof, that may have heretofore or may hereafter come into his hands or possession, and which by law should properly be laid before, submitted to, or considered by such returning officers of election in making a canvass thereof; and that the said defendant, H. C. Warmoth, be further enjoined and inhibited from altering, suppressing, mutilating, destroying, or secreting any such document, proof, or paper.

And that he further desist and be enjoined from in any manner interfering with, obstructing, or hindering the said Lynch, Longstreet, Bovee, and Hawkins, or either of them, from full and complete access to, as well as custody of, such documents, proof, or paper.

And that he further desist and be enjoined from in any manner interfering with, obstructing, or hindering the said Lynch, Longstreet, Bovee, and Hawkins, or either of them, from full and complete access to, as well as custody of, such documents, papers, and proofs relating to said election, as he may or shall have in his possession, custody, or control, or as they shall or may demand, either by refusing to deliver such documents or proofs to them, or either of them, or by any suit or proceeding instituted with the intent to hinder, delay, or obstruct them in the performance of their duty as returning officers: and that he be further restrained and enjoined from issuing any commissions to any persons based upon any calculation, deduction, or pretended canvass of ballots cast at said election, or make, publish, sign, or deposit in the office of the Secretary of State, or in any other public office, or cause to be so deposited, any document, statement of persons elected to any offices or positions of trust at said election, and from giving any effect to the same, if already filed and deposited, unless the same be with the concurrent action and lawfully given consent of the said Lynch, Hawkins, Bovee, and Longstreet, or a majority thereof, or of a sufficient number of them to constitute a majority of a board of returning officers.

And it is further ordered that the said defendants, Jack Wharton, Frank H. Hatch, Durant Da Ponte, and the New Orleans Republican Printing Company, until the final hearing of this cause, or until the further order of the court, be severally and respectively enjoined and restrained to the same extent, effect, and manner as said complainant has in his bill of complaint prayed they may severally and respectively be restrained.

And that writs of injunction in due form of law issue against the said defendants in accordance with the terms of this order.

And that the restraining order heretofore issued and allowed in this cause continue in full force and effect until the court shall otherwise order.

Witness the Honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, at the city of New Orleans, this 6th day of December, in the year of our Lord 1872.

[SEAL.] F. A. WOOLFLEY, *Clerk.*

Marshal's Return.

Received December 7, 1872, by the United States marshal, and on the same day, month, and year served the within-named persons with a copy of this injunction, as follows: On H. C. Warmoth, by handing the same to him in person at the Saint Charles Hotel, in this city; Jack Wharton, same day, month, and year, served the within injunction by handing the same to him in person at the Saint Charles Hotel, in this city; on Durant Da Ponte, same day, month, and year, by handing the same to him in person in this city; on Frank H. Hatch, same day, month, and year, by handing the same to him in person in this city; on the New Orleans Republican, December 9, 1872, by handing the same to W. R. Fish, president of said paper. C. R. STEELE,

Deputy United States Marshal.

United States of America, circuit court of the United States, fifth circuit and district of Louisiana.

CLERK'S OFFICE:

I, Francis A. Woolfley, clerk of the circuit court of the United States for the fifth circuit and district of Louisiana, do hereby certify that the foregoing 115 pages contain and form a full, complete, true, and perfect transcript of the record and proceedings had, except entries from the minutes of continuances, &c., in the case of William P. Kellogg *vs.* H. C. Warmoth *et als.*, No. 6830 of the docket, so far as the same now remain of record or on file in said court.

Witness my hand and the seal of said court, at the city of New Orleans, this 3d day of January, A. D. 1873. (Nine words erased. Eight words interlined.) Approved.

[SEAL.] F. A. WOOLFLEY, *Clerk.*

United States Marshal to Attorney General.

NEW ORLEANS, *December* 6, 1872.

Attorney General WILLIAMS:

Returning board provided by election of seventy under which election was held and which United States court sustains, promulgated in official journal this morning result of election of Legislature: House stands seventy-seven Republicans, thirty-two Democratic; Senate twenty-eight Republicans, eight Democratic. Board counted ballots attached to affidavits of colored persons wrongfully prevented from voting, filed with chief supervisor. S. B. PACKARD,

U. S. Marshal.

United States Marshal to Attorney General.

NEW ORLEANS, *December* 9.

Hon. GEO. H. WILLIAMS, *Attorney General:*

Returning board has officially promulgated in

official journal this morning the result of the election for State officers. Kellogg's majority eighteen thousand eight hundred and sixty-one.

S. B. PACKARD, *U. S. Marshal.*

NEW ORLEANS, *December* 9.

Hon. GEO. H. WILLIAMS, *Attorney General:*

Lieutenant Governor Pinchback qualified and took possession of the Governor's office to-night. Senate organized as high court of impeachment, Chief Justice Ludling presiding, and adjourned to meet Monday next. It is believed that all the Democrats, members of General Assembly, will qualify and take seats to-morrow.

S. B. PACKARD, *U. S. Marshal.*

NEW ORLEANS, *December* 9.

Hon. GEO. H. WILLIAMS, *Attorney General:*

Senate, by vote of seventeen to five, have resolved into high court of impeachment. Senator Harris elected president of the Senate, Lieutenant Governor Pinchback being now Governor.

S. B. PACKARD, *U. S. Marshal.*

NEW ORLEANS, *December* 10.

Hon. GEO. H. WILLIAMS, *Attorney General:*

Senate and House met in joint session as provided by constitution, and counted vote for Governor and Lieutenant Governor; Kellogg and Antoine decided elected. S. B. PACKARD,

U. S. Marshal.

NEW ORLEANS, *December* 9.

Hon. GEO. H. WILLIAMS, *Attorney General:*

General Assembly returned by legal board is now organized at state-house. Senate has present twenty Republicans, eight Democrats; House fifty Republicans and fourteen Democrats; about half Warmoth's members participating. State Supreme Court has sent Elmore, Warmoth's usurping judge of the eighth district court, to jail ten days for contempt, and his clerk five days, and fifty dollars each. All quiet.

S. B. PACKARD, *U. S. Marshal.*

NEW ORLEANS, *December* 9.

Hon. GEO. H. WILLIAMS, *Attorney General:*

Governor Warmoth has been impeached by vote of fifty-eight to six. Warmoth's Legislature returned by his board has made no pretence of a session. S. B. PACKARD,

U. S. Marshal.

Acting Governor Pinchback to the President.

NEW ORLEANS, *December* 9.

President GRANT:

Having taken the oath of office and being in the possession of the gubernatorial office, it devolves upon me to urge the necessity of a favorable consideration of the request of the General Assembly as conveyed in the concurrent resolution of this day telegraphed to you, requesting the protection of the United States Government. Be pleased to send the necessary orders to General Emory. This seems to me a necessary measure of precaution although all is quiet here.

P. B. S. PINCHBACK, *Lieutenant Governor,*

Acting Governor of Louisiana.

NEW ORLEANS, *December* 9.

We have the honor to transmit to your excellency the following concurrent resolution of both Houses of the General Assembly, and to request an early reply:

"Whereas the General Assembly is now convened, in compliance with the call of the Governor, and certain evil-disposed persons are reported to be forming combinations to disturb the public peace, defy the lawful authority, and the State is threatened with violence: therefore

"*Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the President of the United States be requested to afford the protection guaranteed each State by the Constitution of the United States when threatened with domestic violence, and that the presiding officers of the General Assembly transmit this resolution immediately, by telegraph or otherwise, to the President of the United States.

"Adopted in General Assembly convened this 9th day of December, A. D. 1872."

P. B. S. PINCHBACK,

Lieutenant Governor, and President of the Senate.

CHAS. W. LOWELL,

Speaker of the House of Representatives.

NEW ORLEANS, *December* 10.

President U. S. GRANT:

Pursuant to advertisement, democratic indignation meeting was held at noon. Inflammatory appeals were made in circulars, and incendiary language used by some of the speakers, but I do not regard any outbreak imminent. That my course is approved by the vast majority of the honest citizens is beyond doubt.

P. B. S. PINCHBACK,

Lieutenant Governor, Acting Governor.

U. S. Marshal to Attorney General.

NEW ORLEANS, *December* 11.

Hon. GEO. H. WILLIAMS, *Attorney General:*

The Warmoth Legislature are now in session at the city hall, in defiance of the restraining order of the court.

S. B. PACKARD, *U. S. Marshal.*

U. S. District Attorney to Attorney General.

NEW ORLEANS, *December* 11.

Hon. GEO. H. WILLIAMS, *Attorney General:*

Condition of affairs disturbed. Warmoth, although impeached and suspended, has issued a proclamation against Governor Pinchback and the Legislature, likely to cause a collision, unless prompt action is taken by the Government. The question is now political, with no doubt as to the executive status of Governor Pinchback and the Legislature convened last Monday, and now in session at the state-house.

J. R. BECKWITH, *U. S. Attorney.*

U. S. Marshal to Attorney General.

NEW ORLEANS, *December* 11.

Hon. G. H. WILLIAMS, *Attorney General:*

Evening Times of Saturday gives names of seventy-four pretended Senators in Warmoth's Senate. At its organization at city hall, to-day, six out of that number were not present, but falsely reported so. Eleven out of the twenty-four were returned defeated by the returning

board, leaving only seven *bona fide* Senators, democrats and liberals, actually present sitting as a quorum of the thirty-six Senators of Louisiana. S. B. PACKARD, *U. S. Marshal.*

NEW ORLEANS, *December* 11.

Hon. GEO. H. WILLIAMS *Attorney General:*

Warmoth has just issued two proclamations, published in *Extra Times*, one declaring legislation of state-house illegal, and warning all officers to resist, and that he will resist its authority with all the power of the State; the other declaring the city hall to be the state-house, where he says he will discharge the duties of Governor. The pretended members of Legislature returned by Warmoth's canvassing board are now in session at city hall. Warmoth's message is being read.

S. B. PACKARD, *U. S. Marshal.*

Governor Warmoth to the President.

NEW ORLEANS, *December* 11.

The PRESIDENT OF THE UNITED STATES:

Under an order from the judge of the United States district court, investing James Longstreet, Jacob Hawkins, and others with the powers and duties of returning officers under State election law, and charging them with the duty of completing the legal returns and declaring the result in accordance therewith, those persons have promulgated results based upon no returns whatever, and no evidence, except *ex parte* statements. They have constructed a pretended General Assembly, composed mainly of candidates defeated at the election, and those candidates, protected by United States military forces, have taken possession of the state-house, and have organized a pretended Legislature, which to-day has passed pretended articles of impeachment against the Governor; in pursuance of which the person claiming to be Lieutenant Governor, but whose term had expired, proclaimed himself Acting Governor, broke into the executive office, under the protection of United States soldiers, and took possession of the archives. In the meantime the General Assembly has met at the city hall, and organized for business with sixty members in the House and twenty-one in the Senate, being more than a quorum of both bodies. I ask and believe that no violent action be taken, and no force used by the Government, at least until the Supreme Court shall have passed final judgment on the case. A full statement of the facts will be laid before you and the Congress in a few days.

H. C. WARMOTH, *Governor of Louisiana.*

The Attorney General to Acting Governor Pinchback.

DEPARTMENT OF JUSTICE, *December* 11.

P. B. S. PINCHBACK, *Acting Governor of La.:*

Requisition of Legislature transmitted by you is received. Whenever it becomes necessary in the judgment of the President the State will be protected from domestic violence.

GEO. H. WILLIAMS, *Attorney General.*

NEW ORLEANS, *December* 11.

Hon. GEO. H. WILLIAMS, *Attorney General:*

I have the honor to acknowledge the receipt of your dispatch. May I suggest that the commanding general be authorized to furnish troops upon my requisition upon him for the protection of the Legislature and the gubernatorial office. The moral effect would be great, and in my judgment tend greatly to allay any trouble likely to grow out of the recent inflammatory proclamation of Warmoth. I beg you to believe that I will act in all things with discretion.

P. B. S. PINCHBACK,
Lieutenant Governor, Acting Governor.

U. S. Collector to the President.

NEW ORLEANS, *December* 11.

President GRANT:

Parties interested in the success of democratic party, particularly the New Orleans *Times*, are making desperate efforts to array the people against us. Old citizens are dragooned into an opposition they do not feel, and pressure is hourly growing; our members are poor and adversaries are rich, and offers are made that are difficult for them to withstand. There is danger that they will break our quorum. The delay in placing troops at disposal of Governor Pinchback, in accordance with joint resolution of Monday, is disheartening our friends and cheering our enemies. If requisition of Legislature is complied with, all difficulty will be dissipated, the party saved, and everything go on smoothly. If this is done the tide will be turned at once in our favor. The real underlying sentiment is with us, if it can but be encouraged, Governor Pinchback acting with great discretion, as is the Legislature, and they will so continue. JAS. F. CASEY, *Collector.*

Governor-elect Kellogg to the President.

NEW ORLEANS, 11*th.*

Hon. GEO. H. WILLIAMS:

If President in some way indicate recognition, Governor Pinchback and Legislature would settle everything. Our friends here acting discreetly. W. P. KELLOGG.

U. S. Collector to the President.

NEW ORLEANS, 11*th.*

President GRANT:

Democratic members of Legislature taking their seats. Most, if not all, will so in next few days. Important that you immediately recognize Governor Pinchback's Legislature in some manner, either by instructing General Emory to comply with any requisition by Governor Pinchback, under joint resolution of Legislature of Monday, or otherwise. This would quiet matters much. I earnestly urge this and ask a reply. JAMES F. CASEY.

Messrs. Kellogg and Casey to the President.

NEW ORLEANS, *December* 11.

President GRANT:

Warmoth has issued a proclamation declaring that his Legislature has assembled in city-hall. Not any of the regular republican members were present. In order to make a question in Senate, he published the names of four regular republican Senators as being present, but were in regular Legislature at capitol. His Legislature

is composed mainly of persons never returned as elected. There is danger of a collision, which can be avoided and quiet restored, by an immediate compliance with requisition of regular Legislature made to you on Monday. Governor Pinchback has received no response to this requisition, which has encouraged Warmoth to believe that it has been denied. We earnestly request that, in view of the impending danger of collision, that the requisition be complied with. There is a quorum of both Houses of regular Legislature now in session at capitol.

WM. P. KELLOGG.
JAS. F. CASEY.

United States Collector to the President.

NEW ORLEANS, *December* 12.

President GRANT:

The condition of affairs is this: The United States circuit court has decided which is the legal board of canvassers. Upon the basis of that decision a Legislature has been organized in strict conformity with the laws of the State, Warmoth impeached, and thus Pinchback, as provided by the constitution, became Acting Governor. The Chief Justice of the Supreme Court organized the Senate into a court of impeachment, and Associate Justice Tallifeiro administered oath to Governor Pinchback. The Legislature, fully organized, has proceeded in regular routine of business since Monday. Notwithstanding this, Warmoth has organized a pretended Legislature. and it is proceeding with pretended legislation. A conflict between these two organizations may at any time occur. A conflict may occur at any hour, and in my opinion there is no safety for the legal government, without the Federal troops are given in compliance with the requisition of the Legislature. The Supreme Court is known to be in sympathy with the republican State government. If a decided recognition of Governor Pinchback and the legal Legislature were made, in my judgment it would settle the whole matter. General Longstreet has been appointed, by Governor Pinchback, as adjutant general of State mililia. JAMES F. CASEY.

Acting Governor Pinchback to the President.

NEW ORLEANS, 12*th*.

President U. S. GRANT:

In view of the fact that H. C. Warmoth, assuming to act as Governor after having been impeached and suspended from his office of Governor in strict compliance with the court and laws of this State, has issued a proclamation declaring himself as still Governor of the State, and has assumed to convene an illegal body of men styling themselves a Legislature, thus endangering the public peace and tranquillity, and threatening domestic violence, I respectfully request that the commanding officer of this department be instructed, in compliance with the requisition of the Legislature, to aid and assist me in maintaining the public peace and protection and sustaining the legal State government.

P. B. S. PINCHBACK,
Acting Governor of Louisiana.

Mr. Adams to the President.

NEW ORLEANS, *December* 12.

His Excellency U. S. GRANT,
President of the United States:

SIR: As chairman of a committee of citizens appointed under authority of a mass meeting recently held in this city, I am instructed to inform you that said committee is about leaving here for Washington to lay before you and the Congress of the United States the facts of the political difficulties at present existing in this State, and further earnestly to request you to delay executive action on the premises until after the arrival and hearing of said committee, which is composed of business and professional men without regard to past political affiliations.

THOMAS A. ADAMS, *Chairman.*

The Attorney General to Acting Gov. Pinchback.

DEPARTMENT OF JUSTICE, *December* 12.

Acting Governor PINCHBACK,
New Orleans, Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisana, and that the body assembled at Mechanics' Institute as the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence. GEO. H. WILLIAMS,
Attorney General.

The Attorney General to Mr. McEnery.

DEPARTMENT OF JUSTICE, *December* 13.

Hon. JOHN MCENERY.
New Orleans, Louisiana:

Your visit with a hundred citizens will be unavailing, so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS, *Attorney General.*

Sundry Republicans to the Attorney General.

NEW ORLEANS, *December*, 13.

Hon. GEO. H. WILLIAMS, *Attorney General U. S.:*

The entire republican party of this State thank the President and yourself for action of yesterday in recognizing the legal and constitutional State government. This action has prevented the consummation of the most barefaced and outrageous election frauds. Every indication points to quiet and good order. The bogus Legislature of Warmoth has adjourned *sine die*. Police reported last night to Governor Pinchback.

WM. P. KELLOGG,
C. B. DARRALL,
B. F. FLANDERS,
CHAS. CLINTON,
JAS. F. CASEY,
E. C. BILLINGS,
JNO. KAY, and many others.

U. S. Marshal to the Attorney General.

NEW ORLEANS, *December* 13.

Hon. GEORGE H. WILLIAMS:

Warmoth's pretended Legislature has adjourned *sine die*. S B. PACKARD, *U. S. Marshal.*

Mr. McEnery to the President.

NEW ORLEANS, 12th, 1872.

His Excellency U. S. GRANT,

President United States:

Claiming to be Governor-elect of this State, I beg you, in the name of all justice, to suspend recognition of either of the dual governments now in operation here, until there can be laid before you all facts, and both sides, touching legitimacy of either government. The people denying the legitimacy of Pinchback government and its Legislature, simply ask to be heard, through committee of many of our best citizens on eve of departure for Washington, before you recognize the one or the other of said governments. I do not believe we will be condemned before we are fully heard. JNO. MCENERY.

Acting Gov. Pinchback to the President.

NEW ORLEANS, *December* 14.

President U. S. GRANT, *Washington, D. C.:*

Louisiana field artillery, four Napoleon guns, two companies infantry, armed with Winchester rifles, numbering five hundred men, nearly all the militia force acting under the command of H. C. Warmoth, stationed in the State armory, with arms loaded, are in open mutiny and disobedience of the civil and military authorities of the State government. They have been repeatedly commanded to lay down their arms. A large armed police force, under the command of General A. S. Badger, of the State militia, has been ordered to take the position. General Badger reports the position too strong for his force; they offer to surrender to any United States military force. I have sent a copy of the dispatch from the Attorney General, dated the 12th instant, to the commanding general of this department, calling upon him for a military force, for the purpose of suppressing this mutiny. He has refused to comply with my demand, and alleges a want of proper authority in the premises. I would respectfully request, in compliance with the requisition of the Legislature, that you place a military force at my disposal, in order to enable me to suppress this armed revolt and execute the laws. P. B. S. PINCHBACK,

Lieut. Governor, Acting Governor Louisiana.

Colonel Emory to the Adjutant General.

NEW ORLEANS, *December* 13.

ADJUTANT GENERAL U. S. A., *Washington:*

There is imminent danger of immediate conflict between two armed bodies of men of some considerable numbers, one body of State militia, representing Governor Warmoth, holding an arsenal; the other an armed body of police, representing Governor Pinchback. I have been appealed to to interfere. Shall I do so; and if I interfere, to which party shall the arsenal be delivered? The parties are face to face with arms in their hands. I beg an immediate answer. I sent an officer to try what can be done by persuasion to suspend the conflict until an answer can be received. There will be no resistance to the Federal forces. W. H. EMORY,

Colonel Commanding.

The President's order to General Emory.

WASHINGTON, *December* 14.

General W. H. EMORY, U. S. A.,

Commanding New Orleans, Louisiana:

You may use all necessary force to preserve the peace, and will recognize the authority of Governor Pinchback.

By order of the President.

E. D. TOWNSEND, *Adjutant General.*

General Emory to the Adjutant General.

NEW ORLEANS, *December* 14.

To the ADJUTANT GENERAL U. S. A.:

On the receipt of your telegram last night, an officer was sent to the contesting parties to ask the evacuation of the arsenal and the dispersion of the armed forces. The demand was promptly complied with and the arsenal turned over to the State authorities this morning. Everything now is quiet. W. H. EMORY,

Colonel Commanding, Brevet Major General.

Acting Governor Pinchback to the President.

NEW ORLEANS, *January* 3, 1873.

To President GRANT:

Several persons who claim to have been elected to the Legislature, in conjunction with H. C. Warmoth, the impeached and suspended executive, and John McEnery, late democratic candidate for Governor, propose to meet in this city on next Monday, and organize a so-called General Assembly, in conflict with the Legislature now in session at the state-house, and to inaugurate said McEnery as Governor. To prevent a subversion of the present State government and to suppress riot, it may be necessary for me, as executive, to use police or other forces to prevent this revolution movement, and, in my judgment, under present orders, as contained in the telegrams to General Emory from the President, he would be authorized to furnish troops to sustain the State government. I have just ascertained that General Emory construes the orders already given to have been intended only for the particular occasion upon which they were issued, and unless further instructions are given he will decline responding to my demands for troops, and will interfere only in case of actual riot. I respectfully request that the order be repeated, or extended, so as to fully cover the case, if maintenance of the State government and good order require me to make the demand on him. P. B. S. PINCHBACK.

Acting Govenor of Louisiana.

General Sherman to Colonel Emory.

HEADQUARTERS ARMY OF THE UNITED STATES,
WASHINGTON, *January* 4.

Colonel W. H. EMORY,

Commanding Department, New Orleans:

Your dispatch, through General McDowell, has been laid before the War Department and the President, and you are hereby authorized to use your troops to preserve peace, should a contingency arise which in your judgment calls for it.

By command of General SHERMAN.

WM. D. WHIPPLE,
Assistant Adjutant General.

Attorney General to U. S. Marshal.

[Private.] JANUARY 4.

S. B. PACKARD, *U. S. Marshal, New Orleans:*

I think there ought to be no forcible interference with any proceedings to inaugurate McEnery, if they are not accompanied by violence, and there is no attempt to take control of the State government. GEO. H. WILLIAMS,
Attorney General.

From Attorney General of Louisiana.

NEW ORLEANS, *January* 5.

To Hon. GEORGE H. WILLIAMS,
Attorney General U. S.:

Members of Legislature returned as elected by the State board, recognized by Governor Warmoth before the assemblage of the body at Mechanics' Institute, are compelled to meet tomorrow under our constitution, in order to preserve their status. Their assemblage will be peaceable, without arms, and with no purpose of aggression, but simply to organize.

The organization presided over by Pinchback has threatened violent interference, from which serious trouble may arise. That organization derives its authority from the attitude of the Federal Executive, and will be controlled by the President.

We trust that he will discountenance interference with this assemblage, which has a lawful object, and is rendered necessary by the situation. Please see the President immediately.

H. N. OGDEN, *Attorney General, Louisiana.*

The President's order thereupon.

HEADQUARTERS ARMY OF THE UNITED STATES,
WASHINGTON, *January* 5.

Colonel W. H. EMORY,
Commanding Department, New Orleans:

The following orders are just received, and you will promptly act in conformity thereto:

"EXECUTIVE MANSION,
"WASHINGTON, D. C., *January* 5, 1873.

"GENERAL: The President directs that General Emory be telegraphed immediately that he inform Governor Pinchback that the troops will not be furnished to disperse any body of men claiming to be a Legislature, or otherwise assembling peaceably, and not obstructing the administration of the recognized government of the State. Very respectfully,
"WM. W. BELKNAP,
"*Secretary of War.*

"General W. T. SHERMAN,
"*Commanding the Army, &c.*"

General McDowell is here, and on receipt reply to me direct. W. T. SHERMAN, *General.*

U. S. Marshal to Attorney General.

NEW ORLEANS, *January* 6.

Attorney General WILLIAMS, *Washington, D. C.:*

Legislature met in regular session at statehouse; present, twenty-seven Senators and sixty-eight Representatives. Odd-Fellows' Hall assemblage adjourned without a quorum, having but fourteen claiming to be Senators and forty-seven Representatives. S. B. PACKARD,
U. S. Marshal.

NEW ORLEANS, *January* 6.

GEO. H. WILLIAMS, *Attorney General:*

Warmoth Legislature in session at Odd-Fellows' Hall without a quorum. City council, democratic, by resolution, excluded the so-called Legislature from Lyceum Hall, the place designated by Warmoth as state-house. Large crowd in front of Odd-Fellows' Hall, but all quiet. I believe the purpose of State authorities not to interfere with the assemblage so long as no overt acts are committed to overthrow State government. S. B. PACKARD, *U. S. Marshal.*

Colonel Emory to General Sherman.

NEW ORLEANS, *January* 6.

To General W. T. SHERMAN,
Commanding the Army:

The day passed quietly; no disturbance whatever. W. H. EMORY, *Colonel Commanding.*

The Attorney General to U. S. Marshal.

DEPARTMENT OF JUSTICE,
WASHINGTON, *January* 6.

S. B. PACKARD, *U. S. Marshal, New Orleans:*

The report of the committee of two hundred, that the President regards his recognition of the existing government as provisional and temporary, is not true. The recognition is final, and will be adhered to, unless Congress otherwise provides. GEO. H. WILLIAMS,
Attorney General.

Colonel Emory to General Sherman.

To Colonel W. D. WHIPPLE,
Assistant Adjutant General:

As Mr. Kellogg has been declared by Governor Pinchback and the Legislature which he recognizes, as the Governor elect of Louisiana, I presume it is intended by my instructions that I shall also recognize him, and shall accordingly do so unless otherwise instructed. Addressed letters to the General commanding Army on 8th and 9th instant, but they may not reach in time for action. The situation is becoming more complicated, and, in my opinion, the use of the troops simply to keep the peace cannot lead to a satisfactory or permanent solution of the difficulties here. W. H. EMORY, *Colonel Commanding.*

Texas.

Governor Davis to the President.

AUSTIN, *January* 6, 1874.

SIR: Governor A. J. Hamilton will take with him a copy of the decision of the Supreme Court of this State, rendered yesterday, touching our recent State election. Though personally I would have preferred that this question should not have been brought into the court, and had myself taken a different view of the law, yet it is sufficient to say that the decision was rendered in a case properly within the jurisdiction of the court, and I suppose must be taken by the State authorities as settling the construction to be given the election provision of our State constitution.

I am in no way interested in this question excepting as a citizen, desirous that there shall be no confusion of authority or public disturbance. My term ends on the 28th of April next, and

though our constitution looks to the holding of the office till my "successor shall be duly qualified," it would not be agreeable to me to give that clause such construction as would continue my possession of the office beyond the reasonable delay necessary in turning over to my legitimate successor.

If another election were had I would not again be a candidate, (and believe the other republican candidates for State offices would take the same course,) because, while there were undoubtedly great wrongs and frauds perpetrated by our opponents, who controlled the registry and ballot boxes in much the most of the counties, yet I am inclined to think they might have beaten all of the State ticket, even had they acted with perfect fairness and honesty.

Probably, then, the result of another election would be about the same for State officers, but with an election fairly conducted, it would by no means be so in regard to many local officers and members of the Legislature.

There were also certain amendments of the State constitution submitted and voted on at this election. One of these amendments is *now* said to provide for the *abolition* of the present Supreme Court. Its terms are so vague that it might be so construed by a political party trying to get rid of them. These amendments are believed to have received a majority of the votes cast, and they add especially to the difficulties of the situation.

If another election is to be had, there is no way clear to that end unless by an enabling act of Congress. The old election law has been repealed, and the Governor has no express authority given him anywhere to order one. Should he, under his general authority to see that the laws are enforced, assume to do this, there is no guarantee that his action would be accepted as binding.

I refer to these facts so as to give you a more complete understanding of the situation, and because the disentanglement of the imbroglio may have to come from Washington.

I do not see how otherwise an issue can be avoided. The new Legislature will, I suppose, try to meet on the 13th instant, (the regular day of meeting.) It will attempt to legislate and to elect a United States Senator in place of Mr. Flanagan.

A distinct expression of opinion as to the course to be pursued, coming from the national administration and leading men of the majority in Congress, in default of an enabling act, might, I think, be accepted and followed by all parties here, and prevent trouble.

Very respectfully,
EDMUND J. DAVIS, *Governor.*

Governor Davis to the President.

AUSTIN, *January* 11.

The Supreme Court of Texas having decided the late election for Legislature, &c., of State a nullity, this may cause, here, a conflict of authority. Those claiming to be the newly-elected Legislature will attempt to organize and legislate on Tuesday next, whilst many of the old or Thirteenth Legislature also propose at the same time to assume legislative functions. The authority of neither is recognized. A display of United States troops will be most likely to keep the peace till the trouble is settled. I therefore request that assistance. On the 6th instant, I wrote you fully about situation.

EDMUND J. DAVIS, *Governor.*

Governor Davis to the President.

AUSTIN, *January* 12.

There is no such domestic violence existing as defined in Constitution and act of Congress, consequently I cannot call for assistance under that authority. My request was made to secure peace, and as preventive of such violence threatened here as result of foolish counsels and inflamed public feeling. I do not propose personally, as I wrote you, to make any objections to late election, but do not perceive how I can with propriety disregard the decision of the Supreme Court, and recognize the body to assemble tomorrow as legal. But if Congress and yourself accept it as such, I suppose everybody here will finally acquiesce.

EDMUND J. DAVIS, *Governor.*

U. S. Marshal to Attorney General.

AUSTIN, *January* 16.

The newly elected Governor Coke was inaugurated last night. Armed men are guarding the approaches to the offices to the capitol. Other armed men have possession of the legislative halls. A conflict seems inevitable. A message from you may save us from this disaster.

THOS. F. PURNELL, *U. S Marshal.*

Governor Coke to the Texas Delegation.

AUSTIN, *January* 16.

TEXAS DELEGATION,
House of Representatives, Washington, D. C.:

I was inaugurated as Governor and R. B. Hubbard as Lieutenant Governor on yesterday. Transpiring events make it proper for me to advise you of the situation of affairs, and so ask you to lay the matter before President Grant for his information and consideration, that he may not be deceived by false representations, and that he may be enabled, in accordance with law, to speak peace to a deeply anxious people. The inauguration was peacefully conducted in the Representatives Hall. During the day Governor Davis called around him in the basement of the capitol a squad of armed men, for what reason I do not know, as we had invoked no force and had assured him none would be used, and had understood the same was his wish and intention. Later in the day, he caused an armed volunteer company of the city to be called out. It was afterwards turned over to the sheriff of the county to assist him, if necessary, in preserving the peace. It was afterwards placed under the orders of my Adjutant General for the same purpose. It is hoped that no collision will occur, but such a condition of things is a menace of the public peace.

It is contended by Governor Davis that the Supreme Court has decided our late election to be void, because they say it ought to have been held for four days, whereas it was only held for one day. (See constitution, 1869, art. 3,

sec. 6.) During the last session of our Legislature, Governor Davis recommended in his message to the Legislature, under this section of the constitution, that instead of all the electors voting at the county seats, as required by the former law, they should vote at precincts arranged for their convenience; and he also recommended in his message that the voting should be limited to one day instead of four. Pursuant to his recommendation, the Legislature provided by law for precinct elections, and that they should be held for one day only. (See sec. 12, election law, 1873.)

The election was held under this law. Governor Davis recommended its passage. The Legislature passed it. Governor Davis issued his proclamation ordering the election. His friends nominated him and the candidates on the ticket for Governor and other State officers. The canvass was gone through with, the election held, and he and his ticket were beaten by a majority of more than 45,000 before any question was made known to exist as to the unconstitutionality of the law. A feigned case was then fraudulently made up, at which one Rodriguez was charged with having voted twice in the election at Houston, a place about one hundred and seventy-five miles from the capital, where the Supreme Court was in session. After the arrest of Rodriguez, a writ of *habeas corpus* was sued out, returnable not to the judge of the district where he was, who was immediately at hand, but to the Supreme Court, at a great distance from where he lived and from where he was charged with having violated the law. The writ was made returnable not to the judge who issued it, as was usual in such cases, but to the whole court, to enable it to pronounce an opinion, and that, too, on a point which was known to involve the continuance or discontinuance of the judges of this court in office. The court retained jurisdiction of this case after the officer prosecuting for the State proposed to dismiss it, and withdrew from the case. The case made up was intended to enable them to decide a question in which they were directly interested, if the decision they made could be construed to have the scope they intended; but this decision can have no such scope and effect, as they and Governor Davis contend. For its only legal effect was to discharge Rodriguez and to determine a rule under which they would decide other like cases so long as it remains the law of the court. The court and Governor Davis hold that it goes beyond this, and annulled the whole election, and took from the Governor, Lieutenant Governor, and other State officers elected, and from the Senators and Representatives, and from all district, county, and precinct officers of the State, the offices to which they had been elected, when each of them had the right which (the law) gave him in his office, and when not one of them was a party to the suit, when no decree of judgment was rendered against any of them, and when no writ can be issued by the court to enforce the judgment of the court against them. Governor Davis and the judges of the Supreme Court also assume that the judgment in the Rodriguez case has the scope and effect of determining that the Legislature elected at the last election has no legal existence, and that the two Houses of the Legislature are deprived of the constitutional right of being judges of the qualifications and the election of their own members. They also hold, and must hold in order to sustain their extraordinary assumption, that the Supreme Court can not only determine the rights of the parties before it, but that the co-ordinate departments of the State government are not independent of each other, within the sphere of their several constitutional duties; and that the Supreme Court may, by its decision on a political question, sweep the legislative and executive departments out of existence, and resolve the State into a condition of anarchy.

Governor Davis claims that he is entitled to be Governor until the 28th of next April, four years from the date of his inauguration. So he would be, if there was nothing to control section 4 of article 4 of the constitution. But the last clause of the same article provides that the Governor shall be inaugurated on the first Thursday after the organization of the Legislature, or as soon thereafter as practicable; and the third section of the election declaration, under and by virtue of which he was elected and holds the office, and which was adopted and published with the constitution, and without which there is no authority under which he could have been Governor, declares specifically that the officers elected under it shall hold their respective offices for the terms prescribed by the constitution, beginning from the day of their election and until the day their successors are elected and qualified. This terminated Governor Davis's term of office on my inauguration, it being subsequent to the 3d of December last, which was four years from the date of his election; and this view is now sustained by the action and construction of the Legislature. Please call the attention of the President that the principle invoked to sustain Governor Davis in his pretensions, and the authority of the Supreme Court in theirs, would authorize the Supreme Court of any other State to decide the legislative and executive departments out of existence; and, if recognized as the law of the case, would authorize Congress to decide on a made up case, if they would, that there is no President and no Congress of the United States. Please see the President at once and say to him that the public peace is menaced, but that I will do everything which prudence can suggest, and the performance of my constitutional duties as Governor will permit, to preserve the peace. Please say to him that if he will at once assure Governor Davis that he will not sanction him in his extraordinary pretensions, all cause of disturbance will be at an end, and that he will speak peace and joy to our whole people, and receive my and their heartfelt thanks. Call upon Senators Hamilton and Flanagan and ask their co-operation. RICHARD COKE, *Gov. of Texas.*

United States Marshal to Attorney General.

AUSTIN, *January* 15, 1874.

The newly elected members of Texas State Legislature are preparing to inaugurate Governor and other State officials. The present Governor, DAVIS, has all the offices in the capitol

building strongly guarded with armed men. Can you advise any method by which a conflict can be averted, and as to my duty in the premises?

THOS. F. PURNELL, *U. S. Marshal.*

Governor Davis to the President.

AUSTIN, *January* 16, 1874.

According to the constitution of our State, I am the Governor until the 28th of April next. Other State and county officers hold their terms for the same time. But to-day the persons composing what is called the fourteenth Legislature have inaugurated Messrs. Coke and Hubbard as Governor and Lieutenant Governor. They will attempt to seize the Governor's office and buildings. Have made preparations to defend the offices, but I call upon you for military assistance to aid in defending the government offices and keeping the peace. EDMUND J. DAVIS,

Governor.

Attorney General to Governor Davis.

WASHINGTON, *January* 17.

Hon. E. J. DAVIS, *Austin, Texas:* Your telegram of yesterday stating that according to the constitution of Texas you are Governor until the twenty-eighth of April next, and that Hon. Richard Coke had been inaugurated and will attempt to seize the Governor's office and buildings, and calling upon the President for military assistance, has been referred by him to me for answer; and I am instructed to say, that after considering the fourth section of article four of the constitution of Texas, providing that the Governor shall hold his office for the term of four years from the date of his installment, under which you claim, and section three of the election declaration attached to said constitution under which you were chosen, and which provides that the State and other officers elected thereunder shall hold their respective offices for the term of years prescribed by the constitution, beginning from the day of their election, under which the Governor elect claims the office, and more than four years having expired since your election, he is of the opinion that your right to the office of Governor at this time is at least so doubtful that he does not feel warranted in furnishing United States troops to aid you in holding further possession of it, and he therefore declines to comply with your request.

GEO. H. WILLIAMS, *Attorney General.*

Governor Davis to the Attorney General.

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, *January* 19, 1874.

SIR: On the 17th inst. I received your telegram of that date stating, in substance, that the President declined to aid the present State government against domestic violence, because from a comparison of sec. 3 of what is called the election declaration, with the 4th sec. of art. 4 of the State constitution, it is at least "so doubtful" whether I am yet the Governor, he does not feel authorized to furnish assistance

Because, I suppose, that the records at Washington, connected with the reconstruction of this State, will show the following facts, an examination of which must, I think, satisfy the President he has made a serious mistake, I have to call them to your and his attention.

First. The so-called "election declaration" is not attached to the constitution in the record of that instrument, and is no part of it.

Second. The election was not held under that declaration, which was set aside by act of Congress of the 10th of April, 1869.

Third. That declaration was not submitted by the President to a vote of the people when his proclamation was issued of the 15th of July, 1869; but the constitution only was submitted by him.

Fourth. There were scores more of similar declarations passed by that reconstruction convention, some of them donating large sums of money and making land grants to private enterprises. None of these, any more than the election declaration, were ever submitted to the people of Texas, or have any binding force, though some schemers interested therein are trying thus indirectly to get them all recognized.

Fifth. The Governor and other officers chosen at the election held under the orders of the military commander of this State, in pursuance of said act of Congress, were *forbidden* to qualify or be installed under the constitution until Congress accepted it, which was not done till March 30, 1870.

Sixth. I was appointed *Provisional* Governor by the military commander on the 11th day of January, 1870, and qualified as such by taking what was called the test oath, on the 17th of January, 1870, and continued as Provisional Governor until the 28th day of April, 1870, when my inauguration as Constitutional Governor was had. During that interval even my official salary was different from what it became under the constitution.

Seventh. All other State, district, and county officers, except members of the Legislature, were controlled by the same regulations, under the reconstruction acts of Congress.

These facts, as I have said, should all appear in your records at Washington. I will add that nobody here in Texas seriously questioned my authority to hold my office for four years from the date of my *inauguration* till the combination was effected of which I telegraphed the President.

The persons claiming to be the fourteenth Legislature tried for two days after they met together here last week, by joint and special committees, appointed to interview me, to get me to recognize their body as a lawful Legislature, in defiance of the decision of the Supreme Court. They made no question about my authority as Governor, but said that would be conceded if I would only recognize them, and that they would not attempt to inaugurate Mr. Coke until the 28th day of April next. It was only after I refused this absolutely that the usurpation against which I called for assistance was entered upon.

I will further call to your attention a feature of the President's refusal to assist against this violence. He does not decide which is the legitimate State government. Now, the two parties

were in open arms at the time I telegraphed you, and one or the other was certainly chargeable with domestic violence, and one or the other was certainly entitled to call upon the President for support against this violence.

Respectfully, EDMUND J. DAVIS, *Governor.*

U. S. Marshal to Attorney General.

AUSTIN, *January* 19, 1874.

Your telegram, as anticipated, has had the desired effect. The complications in our State affairs have been amicably settled.

THOS. F. PURNELL, *U. S. Marshal.*

VIII.

PRESIDENT GRANT'S SECOND INAUGURAL ADDRESS, AND FOURTH AND FIFTH ANNUAL MESSAGES.

President Grant's Second Inaugural Address, March 4, 1873.

FELLOW-CITIZENS: Under Providence I have been called a second time to act as Executive over this great nation. It has been my endeavor in the past to maintain all the laws, and so far as lay in my power, to act for the best interests of the whole people. My best efforts will be given in the same direction in the future, aided, I trust, by my four years' experience in the office.

When my first term of the office of Chief Executive began the country had not recovered from the effects of a great internal revolution, and three of the former States of the Union had not been restored to their Federal relations. It seemed to me wise that no new questions should be raised so long as that condition of affairs existed. Therefore, the past four years, so far as I could control events, have been consumed in the effort to restore harmony, public credit, commerce, and all the arts of peace and progress. It is my firm conviction that the civilized world is tending towards republicanism, or government by the people through their chosen representatives, and that our own great Republic is destined to be the guiding star to all others. Under our Republic we support an army less than that of any European power of any standing, and a navy less than that of either of at least five of them.

There could be no extension of territory on this continent which would call for an increase of this force, but rather might such extension enable us to diminish it.

The theory of government changes with the general progress. Now that the telegraph is made available for communicating thought, together with rapid transit by steam, all parts of a continent are made contiguous for all purposes of government, and communication between the extreme limits of the country made easier than it was throughout the old thirteen States at the beginning of our national existence.

The effects of the late civil strife have been to free the slave and make him a citizen. He is not possessed of the civil rights which citizenship should carry with it. This is wrong, and should be corrected.

To this correction I stand committed, so far as executive influence can avail. Social equality is not a subject to be legislated upon, nor shall I ask that anything be done to advance the social status of the colored man except to give him a fair chance to develop what there is good in him. Give him access to schools, and when he travels let him feel assured that his conduct will regulate the treatment and fare he will receive. The States lately at war with the General Government are now happily rehabilitated, and no executive control is exercised in any one of them that would not be exercised in any other State under like circumstances.

In the first year of the past Administration, the proposition came up for the admission of Santo Domingo as a Territory of the Union. It was not a question of my seeking, but was a proposition from the people of Santo Domingo, and which I entertained. I believe now, as I did then, that it was for the best interests of this country, for the people of Santo Domingo, and all concerned, that the proposition should be received favorably. It was, however, rejected constitutionally, and therefore the subject was never brought up again by me.

In future, while I hold my present office, the subject of acquisitition of territory must have the support of the people before I will recommend any proposition looking to such acquisition. I say here, however, that I do not share in the apprehension held by many as to the danger of governments becoming weakened and destroyed by reason of their extension of territory.

Commerce, education, and rapid transit of thought and matter by telegraph and steam have changed all this. Rather do I believe that our Great Maker is preparing the world in His own good time to become one nation, speaking one language, and when armies and navies will be no longer required.

My efforts in the future will be directed to the restoration of good feeling between the different sections of our common country, to the restoration of our currency to a fixed value as compared with the world's standard of values—gold—and, if possible, to a par with it; to the construction of cheap routes of transit throughout the land, to the end that the products of all sections may find a market and leave a living remuneration to the producer; to the maintenance of friendly

relations with all our neighbors and with the distant nations; to the re establishment of our commerce and share in the carrying trade upon the ocean; to the encouragement of such manufacturing industries as can be economically pursued in this country, to the end that the exports of home products and industries may pay for our imports, the only sure method of returning to and permanently maintaining a specie basis; to the elevation of labor, and by a humane course to bring the aborigines of the country under the benign influences of education and civilization. It is either this or a war of extermination. Wars of extermination, engaged in by people pursuing commerce and all industrial pursuits, are expensive even against the weakest people, and are demoralizing and wicked. Our superiority of strength and advantages of civilization should make us lenient towards the Indian. The wrongs already inflicted upon him should be taken into account, and the balance placed to his credit. The moral view of the question should be considered and the question asked, cannot the Indian be made a useful and productive member of society by proper teaching and treatment? If the effort is made in good faith we will stand better before the civilized nations of the earth and in our own consciences for having made it. All these things are not to be accomplished by any one individual, but they will receive my support and such recommendations to Congress as will, in my judgment, best serve to carry them into effect. I beg your support and encouragement.

It has been and is my earnest desire to correct abuses that have grown up in the civil service of the country. To secure this reformation rules regulating methods of appointment and promotion were established and have been tried. My efforts for such reformation shall be continued to the best of my judgment. The spirit of the rules adopted will be maintained.

I acknowledge before this assembly, representing, as it does, every section of our country, the obligation I am under to my countrymen for the great honor they have conferred on me by returning me to the highest office within their gift, and the further obligation resting on me to render to them the best services within my power.

This I promise, looking forward with the greatest anxiety to the day when I shall be released from responsibilities that at times are almost overwhelming, and from which I have scarcely had a respite since the eventful firing upon Fort Sumter, in April, 1861, to the present day. My services were then tendered and accepted under the first call for troops growing out of that event. I did not ask for place or position, and was entirely without influence, or the acquaintance of persons of influence, but was resolved to perform my part in a struggle threatening the very existence of the nation, a conscientious duty, without asking promotion or command, and without a revengeful feeling towards any section or individual.

Notwithstanding this, throughout the war, and from my candidacy for my present office in 1868 to the close of the last Presidential campaign, I have been the subject of abuse and slander scarcely ever equaled in political history, which to-day I feel that I can afford to disregard, in view of your verdict, which I gratefully accept as my vindication.

President Grant's Fourth Annual Message, Dec. 2, 1872.

[For his first, see McPherson's History of Reconstruction, pages 533–540; for his second and third, see McPherson's Hand-Book of Politics for 1872, pages 16–27.]

To the Senate and House of Representatives:

In transmitting to you this, my fourth annual message, it is with thankfulness to the Giver of all good that, as a nation, we have been blessed for the past year with peace at home, peace abroad, and a general prosperity vouchsafed to but few peoples.

* * * *

When Congress adjourned in June last a question had been raised by Great Britain, and was then pending, which for a time seriously imperiled the settlement by friendly arbitration of the grave differences between this Government and that of Her Britannic Majesty, which by the treaty of Washington had been referred to the tribunal of arbitration which had met at Geneva, in Switzerland.

The arbitrators, however, disposed of the question which had jeoparded the whole of the treaty, and threatened to involve the two nations in most unhappy relations toward each other, in a manner entirely satisfactory to this Government, and in accordance with the views and policy which it had maintained.

The tribunal, which had convened at Geneva in December, concluded its laborious session on the 14th day of September last, on which day, having availed itself of the discretionary power given to it by the treaty to award a sum in gross, it made its decision, whereby it awarded the sum of fifteen millions five hundred thousand dollars in gold, as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to its consideration.

This decision happily disposes of a long standing difference between the two Governments, and, in connection with another award made by the German Emperor, under a reference to him by the same treaty, leaves these two Governments without a shadow upon the friendly relations which it is my sincere hope may forever remain equally unclouded.

* * * *

By the thirty-fourth article of the treaty of Washington the respective claims of the United States and of Great Britain, in their construction of the treaty of the 15th of June, 1846, defining the boundary line between their respective territories, were submitted to the arbitration and award of His Majesty the Emperor of Germany, to decide which of those claims is most in accordance with the true interpretation of the treaty of 1846.

* * * *

After a patient investigation of the case and of the statements of each party, His Majesty the Emperor, on the 21st day of October last, signed his award in writing, decreeing that the

claim of the Government of the United States, that the boundary line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro Channel, is most in accordance with the true interpretation of the treaty concluded on the 15th of June, 1846, between the Governments of Her Britannic Majesty and of the United States.

* * * *

This award confirms the United States in their claim to the important archipelago of islands lying between the continent and Vancouver's island, which for more than twenty-six years (ever since the ratification of the treaty) Great Britain has contested, and leaves us, for the first time in the history of the United States as a nation, without a question of disputed boundary between our territory and the possessions of Great Britain on this continent.

* * * *

It is with regret that I have again to announce a continuance of the disturbed condition of the island of Cuba. No advance toward the pacification of the discontented part of the population has been made. While the insurrection has gained no advantages, and exhibits no more of the elements of power or of the prospects of ultimate success than were exhibited a year ago, Spain, on the other hand, has not succeeded in its repression, and the parties stand apparently in the same relative attitude which they have occupied for a long time past.

This contest has lasted now for more than four years. Were its scene at a distance from our neighborhood we might be indifferent to its result, although humanity could not be unmoved by many of its incidents, wherever they might occur. It is, however, at our door.

I cannot doubt that the continued maintenance of slavery in Cuba is among the strongest inducements to the continuance of this strife. A terrible wrong is the natural cause of a terrible evil. The abolition of slavery, and the introduction of other reforms in the administration of government in Cuba, could not fail to advance the restoration of peace and order. It is greatly to be hoped that the present liberal government of Spain will voluntarily adopt this view.

The law of emancipation, which was passed more than two years since, has remained unexecuted in the absence of regulations for its enforcement. It was but a feeble step toward emancipation, but it was the recognition of right, and was hailed as such, and exhibited Spain in harmony with sentiments of humanity and of justice, and in sympathy with the other powers of the christian and civilized world.

Within the past few weeks the regulations for carrying out the law of emancipation have been announced, giving evidence of the sincerity of intention of the present government to carry into effect the law of 1870. I have not failed to urge the consideration of the wisdom, the policy, and the justice of a more effective system for the abolition of the great evil which oppresses a race, and continues a bloody and destructive contest close to our border, as well as the expediency and the justice of conceding reforms of which the propriety is not questioned.

Deeply impressed with the conviction that the continuance of slavery is one of the most active causes of the continuance of the unhappy condition in Cuba, I regret to believe that citizens of the United States, or those claiming to be such, are large holders in Cuba of what is there claimed as property, but which is forbidden and denounced by the laws of the United States. They are thus, in defiance of the spirit of our own laws, contributing to the continuance of this distressing and sickening contest. In my last annual message I referred to this subject, and I again recommend such legislation as may be proper to denounce, and, if not prevent, at least to discourage American citizens from holding or dealing in slaves.

* * * *

The moneys received and covered into the Treasury during the fiscal year ended June 30, 1872, were:

From customs	$216,370,286 77
From sales of public lands	2,575,714 19
From internal revenue	130,642,177 72
From tax on national-bank circulation, &c	6,523,396 39
From Pacific railway companies	749,861 87
From customs fines, &c	1,136,442 34
From fees, consular, patent, land, &c	2,284,095 92
From miscellaneous sources	4,412,254 71
Total ordinary receipts	364,694,229 91
From premium on sales of coin	9,412,637 65
Total net receipts	374,106,867 56
Balance in Treasury June 30, 1871, (including $18,228 35 received from "unavailable")	109,935,705 59
Total available cash	484,042,573 15

The net expenditures by warrants during the same period were:

For civil expenses		$16,187,059 20
For foreign intercourse		1,839,369 14
For Indians		7,061,728 82
For pensions		28,533,402 76
For military establishment, including fortifications, river and harbor improvements, and arsenals		35,372,157 20
For naval establishment, including vessels and machinery and improvements at navy yards		21,249,809 99
For miscellaneous civil, including public buildings, light-houses, and collecting the revenue		42,958,329 08
For interest on the public debt		117,357,839 72
Total, exclusive of principal and premium on the public debt		270,559,695 91
For premium on bonds purchased	$6,958,266 76	
For redemption of the public debt	99,960,253 54	
		106,918,520 30
Total net disbursements		377,478,216 21
Balance in Treasury June 30, 1872		106,564,356 94
Total		484,042,573 15

From the foregoing statement it appears that the net reduction of the principal of the debt during the fiscal year ending June 30, 1872, was $99,960,253 54.

The source of this reduction is as follows:

Net ordinary receipts during the year	$364,694,229 91
Net ordinary expenditures, including interest on the public debt	270,559,695 91
Leaving surplus revenue	94,134,534 00
Add amount received from premium on sales of gold, in excess of the premium paid on bonds purchased	2,454,370 89

Add the amount of the reduction of the cash balance at the close of the year, accompanied with same at commencement of the year	3,371,348 65
Total	99,960,253 54

This statement treats solely of the principal of the public debt.

By the monthly statement of the public debt, which adds together the principal, interest due and unpaid, and interest accrued to date, not due, and deducts the cash in the Treasury as ascertained on the day of publication, the reduction was $100,544,491 28.

The source of this reduction is as follows:

Reduction in principal account	$99,960,003 54
Reduction in unpaid interest account	3,330,952 96
	103,290,956 50
Reduction in cash on hand	2,746,465 22
	100,544,491 28

On the basis of the last table the statements show a reduction of the public debt, from the 1st of March, 1869, to the present time, as follows:

From March 1, 1869, to March 1, 1870	$87,134,782 84
From March 1, 1870, to March 1, 1871	117,619,630 25
From March 1, 1871, to March 1, 1872	94,895,348 94
From March 1, 1872, to November 1, 1872, (eight months)	64,047,237 84
Total	363,696,999 87

With the great reduction of taxation by the acts of Congress at its last session, the expenditure of the Government in collecting the revenue will be much reduced for the next fiscal year. It is very doubtful, however, whether any further reduction of so vexatious a burden upon any people will be practicable for the present. At all events, as a measure of justice to the holders of the nation's certificates of indebtedness, I would recommend that no more legislation be had on this subject, unless it be to correct errors of omission or commission in the present laws, until sufficient time has elapsed to prove that it can be done and still leave sufficient revenue to meet current expenses of Government, pay interest on the public debt, and provide for the sinking fund established by law. The preservation of our national credit is of the highest importance; next in importance to this comes a solemn duty to provide a national currency of fixed, unvarying value, as compared with gold, and as soon as practicable, having due regard for the interests of the debtor class, and the vicissitudes of trade and commerce, convertible into gold at par.

The report of the Secretary of War shows the expenditures of the War Department for the fiscal year ending June 30, 1871, to be $35,799,991 82, and for the fiscal year ending June 30, 1872, to be $35,372,157 20, showing a reduction in favor of the last fiscal year of $427,834 62.

* * * *

About $370,000 have been collected from Southern railroads during the year, leaving about $4,000,000 still due.

* * * *

The annual average mean strength of the army was 24,101 white, and 2,494 colored soldiers.

* * * *

The river and harbor improvements have been carried on with energy and economy. Though many are only partially completed, the results have saved to commerce many times the amount expended. The increase of commerce, with greater depth of channels, greater security in navigation, and the saving of time, adds millions to the wealth of the country and increases the resources of the Government.

* * * *

The attention of Congress will be called during its present session to various enterprises for the more certain and cheaper transportation of the constantly increasing surplus of Western and Southern products to the Atlantic sea-board. The subject is one that will force itself upon the legislative branch of the Government sooner or later, and I suggest, therefore, that immediate steps be taken to gain all available information to insure equable and just legislation.

One route to connect the Mississippi Valley with the Atlantic, at Charleston, South Carolina, and Savannah, Georgia, by water, by the way of the Ohio and Tennessee rivers, and canals and slack-water navigation to the Savannah and Ocmulgee rivers, has been surveyed, and report made by an accomplished engineer officer of the army. Second and third, new routes will be proposed for the consideration of Congress, namely, by an extension of the Kanawha and James River Canal to the Ohio, and by extension of the Chesapeake and Ohio Canal.

I am not prepared to recommend Government aid to these or other enterprises until it is clearly shown that they are not only of national interest, but that when completed they will be of a value commensurate with their cost.

That production increases more rapidly than the means of transportation in our country has been demonstrated by past experience. That the unprecedented growth in population and products of the whole country will require additional facilities, and cheaper ones for the more bulky articles of commerce to reach tide-water and a market will be demanded in the near future, is equally demonstrable. I would therefore suggest either a committee or a commission to be authorized to consider this whole question, and to report to Congress at some future day for its better guidance in legislating on this important subject.

The railroads of the country have been rapidly extended during the last few years to meet the growing demands of producers, and reflect much credit upon the capitalists and managers engaged in their construction.

In addition to these, a project to facilitate commerce by the building of a ship-canal around Niagara Falls, on the United States side, which has been agitated for many years, will, no doubt, be called to your attention at this session.

Looking to the great future growth of the country, and the increasing demands of commerce, it might be well, while on this subject, not only to have examined and reported upon the various practicable routes for connecting the Mississippi with tide-water on the Atlantic, but the feasibility of an almost continuous land-locked navigation from Maine to the Gulf of Mexico. Such a route along our coast would

be of great value at all times, and of inestimable value in case of a foreign war. Nature has provided the greater part of this route, and the obstacles to overcome are easily within the skill of the engineer.

I have not alluded to this subject with the view of having any further expenditure of public money at this time than may be necessary to procure and place all the necessary information before Congress in an authentic form, to enable it hereafter, if deemed practicable and worthy, to legislate on the subject without delay.

* * * * *

It is evident that, unless early steps are taken to preserve our navy, that in a very few years the United States will be the weakest nation upon the ocean of all great powers. With an energetic, progressive business people like ours, penetrating and forming business relations with every part of the known world, a navy strong enough to command the respect of our flag abroad is necessary for the full protection of their rights.

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The accompanying report of the Postmaster General furnishes a full and satisfactory exhibit of the operations of the Post Office Department during the year. The ordinary revenues of the department for the fiscal year ending June 30, 1872, amounted to $21,915,426 37, and the expenditures to $26,658,192 31. Compared with the previous fiscal year, the increase of revenue was $1,878,330 05, or 9.37 per cent, and the increase of expenditures $2,268,088 23, or 9 29 per cent. Adding to the ordinary revenues the annual appropriation of $700,000 for free matter, and the amounts paid to the subsidized mail steamship lines from special appropriations, the deficiency paid out of the general Treasury was $3,317,765 94, an excess of $389,707 28 over the deficiency for the year 1871. * * *

The total length of railroad mail routes on the 30th of June, 1872, was 57,911 miles, 8,077 additional miles of such service having been put into operation during the year. * * * The number of letters exchanged in the mails with foreign countries was 24,362,500, an increase of 4,066,502, or 20 per cent. over the number in 1871; and the postage thereon amounted to $1,871,257 25. The total weight of the mails exchanged with European countries exceeded 820 tons. The cost of the United States transatlantic mail steamship service was $220,301 70. The total cost of the United States ocean steamship service, including the amounts paid to the subsidized lines of mail steamers, was $1,027,020 97.

The following are the only steamship lines now receiving subsidies for mail service under special acts of Congress: The Pacific Mail Steamship Company receive $500,000 per annum for conveying a monthly mail between San Francisco, Japan, and China, which will be increased to $1,000,000 per annum for a semi-monthly mail on and after October 1, 1873; the United States and Brazil Mail Steamship Company receive $150,000 per annum for conveying a monthly mail between New York and Rio de Janeiro, Brazil; and the California, Oregon, and Mexico Steamship Company receive $75,000 per annum for conveying a monthly mail between San Francisco and Honolulu, (Hawaiian Islands,) making the total amount of mail steamship subsidies at present $725,000 per annum.

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Your favorable consideration is respectfully invited to the recommendations made by the Postmaster General for an increase of service from monthly to semi-monthly trips on the mail steamship route to Brazil; for a subsidy in aid of the establishment of an American line of mail steamers between San Francisco, New Zealand, and Australia; for the establishment of post office savings banks; and for the increase of the salaries of the heads of bureaus. I have heretofore recommended the abolition of the franking privilege, and see no reason now for changing my views on that subject. It not having been favorably regarded by Congress, however, I now suggest a modification of that privilege to correct its glaring and costly abuses. I would recommend also the appointment of a committee or commission to take into consideration the best method (equitable to private corporations who have invested their time and capital in the establishment of telegraph lines) of acquiring the title to all telegraph lines now in operation, and of connecting this service with the postal service of the nation. It is not probable that this subject could receive the proper consideration during the limits of a short session of Congress, but it may be initiated, so that future action may be fair to the Government and to private parties concerned.

There are but three lines of ocean steamers, namely, the Pacific Mail Steamship Company, between San Francisco, China, and Japan, with provision made for semi-monthly service after October 1, 1873; the United States and Brazil line, monthly; and the California, New Zealand, and Australian line, monthly, plying between the United States and foreign ports, and owned and operated under our flag. I earnestly recommend that such liberal contracts for carrying the mails be authorized with these lines as will insure their continuance.

If the expediency of extending the aid of Government to lines of steamers which hitherto have not received it should be deemed worthy of the consideration of Congress, political and commercial objects make it advisable to bestow such aid on a line under our flag between Panama and the Western South American ports. By this means much trade now diverted to other countries might be brought to us, to the mutual advantage of this country and those lying in that quarter of the continent of America.

The report of the Secretary of the Treasury will show an alarming falling off in our carrying trade for the last ten or twelve years; and even for the past year. I do not believe that public treasure can be better expended in the interest of the whole people than in trying to recover this trade. An expenditure of $5,000,000 per annum for the next five years, if it would restore to us our proportion of the carrying trade of the world, would be profitably expended.

The price of labor in Europe has so much enhanced within the last few years that the cost of building and operating ocean steamers in the United States is not so much greater than in Europe, and I believe the time has arrived for

Congress to take this subject into serious consideration.

Detailed statements of the disbursements through the Department of Justice will be furnished by the report of the Attorney General, and though these have been somewhat increased by the recent acts of Congress "to enforce the rights of citizens of the United States to vote in the several States of the Union," and "to enforce the provisions of the fourteenth amendment to the Constitution of the United States," and the amendments thereto, I cannot question the necessity and salutary effect of those enactments. Reckless and lawless men, I regret to say, have associated themselves together, in some localities, to deprive other citizens of those rights guaranteed to them by the Constitution of the United States, and to that end have committed deeds of blood and violence; but the prosecution and punishment of many of these persons have tended greatly to the repression of such disorders. I do not doubt that a great majority of the people in all parts of the country favor the full enjoyment by all classes of persons of those rights to which they are entitled under the Constitution and laws; and I invoke the aid and influence of all good citizens to prevent organizations whose objects are by unlawful means to interfere with those rights. I look with confidence to the time, not far distant, when the obvious advantages of good order and peace will induce an abandonment of all combinations prohibited by the acts referred to, and when it will be unnecessary to carry on prosecutions or inflict punishment to protect citizens from the lawless doings of such combinations.

Applications have been made to me to pardon persons convicted of a violation of said acts, upon the ground that clemency in such cases would tend to tranquilize the public mind, and to test the virtue of that policy I am disposed, as far as my sense of justice will permit, to give to these applications a favorable consideration; but any action thereon is not to be construed as indicating any change in my determination to enforce with rigor such acts so long as the conspiracies and combinations therein named disturb the peace of the country.

It is much to be regretted, and is regretted by no one more than myself, that a necessity has ever existed to execute the "enforcement act." No one can desire more than I that the necessity of applying it may never again be demanded.

The policy which was adopted at the beginning of this administration with regard to the management of the Indians has been as successful as its most ardent friends anticipated within so short a time. It has reduced the expenses of their management; decreased their forays upon the white settlements; tended to give the largest opportunity for the extension of the great railways through the public domain, and the pushing of settlements into more remote districts of the country; and at the same time improved the condition of the Indians. The policy will be maintained without any change excepting such as further experience may show to be necessary to render it more efficient.

The subject of converting the so called Indian Territory south of Kansas into a home for the Indian, and erecting therein a territorial form of government, is one of great importance as a complement of the existing Indian policy. The question of removal to that territory has within the past year been presented to many of the tribes resident upon other and less desirable portions of the public domain, and has generally been received by them with favor. As a preliminary step to the organization of such a territory, it will be necessary to confine the Indians now resident therein to farms of proper size, which should be secured to them in fee; the residue to be used for the settlement of other friendly Indians. Efforts will be made in the immediate future to induce the removal of as many peaceably disposed Indians to the Indian Territory as can be settled properly, without disturbing the harmony of those already there. There is no other location now available, where a people who are endeavoring to acquire a knowledge of pastoral and agricultural pursuits can be as well accommodated as upon the unoccupied lands in the Indian Territory. A territorial government should, however, protect the Indians from the inroads of whites for a term of years, until they become sufficiently advanced in the arts and civilization to guard their own rights, and from the disposal of the lands held by them for the same period.

During the last fiscal year there were disposed of, out of the public lands 11,864,975 acres, a quantity greater by 1,099,270 acres than was disposed of the previous year. Of this amount 1,370,320 acres were sold for cash; 389,460 acres located with military warrants; 4,671,332 acres taken for homesteads; 693,613 acres located with college scrip; 3,554,887 acres granted to railroads; 465,347 acres granted to wagon-roads; 714,255 acres given to States as swamp land; 5,760 acres located by Indian scrip. The cash receipts from all sources in the Land Office amounted to $3,218,100. During the same period 22,016,608 acres of the public lands were surveyed, which, added to the quantity before surveyed, amounts to 583,364,780 acres, leaving 1,257,633,628 acres of the public lands still unsurveyed.

The reports from the subordinates of the Land Office contain interesting information in regard to their respective districts. They uniformly mention the fruitfulness of the soil during the past season, and the increased yields of all kinds of produce. Even in those States and Territories where mining is the principal business, agricultural products have exceeded the local demand, and liberal shipments have been made to distant points.

During the year ending September 30, 1872, there were issued from the Patent Office 13,626 patents; 233 extensions; and 556 certificates and registries of trade-marks. During the same time 19,587 applications for patents, including reissues and designs, have been received, and 3,100 caveats filed. The fees received during the same period amounted to $700,954 86, and the total expenditures to $623,553 90, making the net receipts over the expenditures $77,400 96.

Since 1836, 200,000 applications for patents have been filed, and about 133,000 patents issued.

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The amount paid for pensions in the last fiscal year was $30,169,340, an amount larger by $3,708,434 than was paid during the preceding year. Of this amount $2,313,409 were paid under the act of Congress of February 17, 1871, to survivors of the war of 1812. The annual increase of pensions by the legislation of Congress has more than kept pace with the natural yearly losses from the rolls. The act of Congress of June 8, 1872, has added an estimated amount of $750,000 per annum to the rolls, without increasing the number of pensioners. We cannot, therefore, look for any substantial decrease in the expenditures of this department for some time to come, or so long as Congress continues to so change the rates of pension.

The whole number of soldiers enlisted in the war of the rebellion was 2,688,523. The total number of claims for invalid pensions is 176,000, being but six per cent. of the whole number of enlisted men. The total number of claims on hand at the beginning of the year was 91,689; the number received during the year was 26,574; the number disposed of was 39,178; making a net gain of 12,604. The number of claims now on file is 79,085.

On the 30th of June, 1872, there were on the rolls the names of 95,405 invalid military pensioners, 113,518 widows, orphans, and dependent relatives, making an aggregate of 298,923 army pensioners. At the same time there were on the rolls the names of 1,449 navy pensioners, and 1,730 widows, orphans, and dependent relatives, making the whole number of naval pensioners 3,179. There have been received, since the passage of the act to provide pensions for the survivors of the war of 1812, 36,551 applications, prior to June 30, 1872. Of these there were allowed, during the last fiscal year, 20,126 claims; 4,845 were rejected during the year, leaving 11,580 claims pending at that date. The number of pensions of all classes granted during the last fiscal year was 33,838. During that period there were dropped from the rolls, for various causes, 9,104 names, leaving a grand total of 232,229 pensioners on the rolls on the 30th of June, 1872.

It is thought that the claims for pensions on account of the war of 1812 will all be disposed of by the 1st of May, 1873. It is estimated that $30,480,000 will be required for the pension service during the next fiscal year.

* * * *

The rapidly increasing interest in education is a most encouraging feature in the current history of the country, and it is, no doubt, true that this is due in a great measure to the efforts of the Bureau of Education. That office is continually receiving evidences, which abundantly prove its efficiency, from the various institutions of learning, and educators of all kinds throughout the country.

The report of the Commissioner contains a vast amount of educational details of great interest. The bill now pending before Congress, providing for the appropriation of the net proceeds of the sales of public lands for educational purposes, to aid the States in the general education of their rising generation, is a measure of such great importance to our real progress, and is so unanimously approved by the leading friends of education, that I commend it to the favorable attention of Congress.

* * * *

It has seemed to be the policy of the Legislature of Utah to evade all responsibility to the Government of the United States, and even to hold a position in hostility to it. I recommend a careful revision of the present laws of the Territory by Congress, and the enactment of such a law (the one proposed in Congress at its last session, for instance, or something similar to it) as will secure peace, the equality of all citizens before the law, and the ultimate extinguishment of polygamy.

Since the establishment of a Territorial government for the District of Columbia, the improvement of the condition of the city of Washington and surroundings, and the increased prosperity of the citizens, is observable to the most casual visitor. The nation, being a large owner of property in the city, should bear, with the citizens of the District, its just share of the expense of these improvements.

I recommend, therefore, an appropriation to reimburse the citizens for the work done by them along and in front of public grounds during the past year; and liberal appropriations in order that the improvement and embellishment of the public buildings and grounds may keep pace with the improvements made by the Territorial authorities.

* * * *

The Commissioner makes one recommendation —that measures be taken by Congress to protect and induce the planting of forests, and suggests that no part of the public lands should be disposed of without the condition that one-tenth of it should be reserved in timber where it exists, and, where it does not exist, inducements should be offered for planting it.

In accordance with the terms of the act of Congress, approved March 3, 1871, providing for the celebration of the one hundredth anniversary of American independence, a commission has been organized, consisting of two members from each of the States and Territories. This commission has held two sessions, and has made satisfactory progress in the organization and in the initiatory steps necessary for carrying out the provisions of the act, and for executing also the provisions of the act of June 1, 1872, creating a centennial board of finance. A preliminary report of progress has been received from the president of the commission, and is herewith transmitted. It will be the duty of the commission at your coming session to transmit a full report of the progress made, and to lay before you the details relating to the exhibition of American and foreign arts, products, and manufactures, which, by the terms of the act, is to be held under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

This celebration will be looked forward to by American citizens with great interest, as marking a century of greater progress and prosperity than is recorded in the history of any other nation, and as serving a further good purpose in bringing together, on our soil, peoples of all the

commercial nations of the earth, in a manner calculated to insure international good feeling.

An earnest desire has been felt to correct abuses which have grown up in the civil service of the country, through the defective method of making appointments to office. Heretofore Federal offices have been regarded too much as the reward of political services. Under authority of Congress, rules have been established to regulate the tenure of office and the mode of appointments. It cannot be expected that any system of rules can be entirely effective, and prove a perfect remedy for the existing evils, until they have been thoroughly tested by actual practice, and amended according to the requirements of the service. During my term of office, it shall be my earnest endeavor to so apply the rules as to secure the greatest possible reform in the civil service of the Government; but it will require the direct action of Congress to render the enforcement of the system binding upon my successors, and I hope that the experience of the past year, together with appropriate legislation by Congress, may reach a satisfactory solution of this question, and secure to the public service, for all time, a practical method of obtaining faithful and efficient officers and employees.

U. S. GRANT.

President Grant's Fifth Annual Message, December 1, 1873.

To the Senate and House of Representatives:

The year that has passed since the submission of my last message to Congress has—especially during the latter part of it—been an eventful one to the country. In the midst of great national prosperity a financial crisis has occurred that has brought low fortunes of gigantic proportions; political partisanship has almost ceased to exist, especially in the agricultural regions; and finally, the capture upon the high seas of a vessel bearing our flag has for a time threatened the most serious consequences, and has agitated the public mind from one end of the country to the other. But this, happily, now is in the course of satisfactory adjustment, honorable to both nations concerned.

The relations of the United States, however, with most of the other powers continue to be friendly and cordial. With France, Germany, Russia, Italy, and the minor European powers; with Brazil and most of the South American republics, and with Japan, nothing has occurred during the year to demand special notice.

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The accompanying papers show that some advance, although slight, has been made during the past year toward the suppression of the infamous Chinese cooly-trade. I recommend Congress to inquire whether additional legislation be not needed on this subject.

The money awarded to the United States by the tribunal of arbitration at Geneva was paid by Her Majesty's government a few days in advance of the time when it would have become payable according to the terms of the treaty. In compliance with the provisions of the act of March 3, 1873, it was at once paid into the Treasury, and used to redeem, so far as it might, the public debt of the United States; and the amount so redeemed was invested in a five per cent. registered bond of the United States for fifteen million five hundred thousand dollars, which is now held by the Secretary of State, subject to the future disposition of Congress.

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By an act approved on the 14th day of February last, Congress made provision for completing, jointly with an officer or commissioner to be named by Her Britannic Majesty, the determination of so much of the boundary-line between the territory of the United States and the possessions of Great Britain as was left uncompleted by the commissioners appointed under the act of Congress of August 11, 1856. Under the provisions of this act the northwest water-boundary of the United States has been determined and marked in accordance with the award of the Emperor of Germany.

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I transmit herewith for the consideration and determination of Congress an application of the republic of Santo Domingo to this Government to exercise a protectorate over that republic.

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I invite the earnest attention of Congress to the existing laws of the United States respecting expatriation and the election of nationality by individuals. Many citizens of the United States reside permanently abroad with their families. Under the provisions of the act approved February 10, 1855, the children of such persons are to be deemed and taken to be citizens of the United States, but the rights of citizenship are not to descend to persons whose fathers never resided in the United States.

It thus happens that persons who have never resided within the United States have been enabled to put forward a pretension to the protection of the United States against the claim to military service of the Government under whose protection they were born and have been reared. In some cases even naturalized citizens of the United States have returned to the land of their birth, with intent to remain there, and their children, the issue of a marriage contracted there after their return, and who have never been in the United States, have laid claim to our protection, when the lapse of many years had imposed upon them the duty of military service to the only government which had ever known them personally.

Until the year 1868 it was left embarrassed by conflicting opinions of courts and of jurists to determine how far the doctrine of perpetual allegiance derived from our former colonial relations with Great Britain was applicable to American citizens. Congress then wisely swept these doubts away by enacting that "any declaration, instruction, opinion, order, or decision of any officer of this Government which denies, restricts, impairs, or questions the right of expatriation, is inconsistent with the fundamental principles of this Government." But Congress did not indicate in that statute, nor has it since done so, what acts are to be deemed to work expatriation. For my own guidance in determining such questions, I required (under the provisions of the Constitution) the opinion in writing

of the principal officer in each of the executive departments upon certain questions relating to this subject. The result satisfies me that further legislation has become necessary. I therefore commend the subject to the careful consideration of Congress, and I transmit herewith copies of the several opinions of the principal officers of the executive department, together with other correspondence and pertinent information on the same subject.

The United States, who led the way in the overthrow of the feudal doctrine of perpetual allegiance, are among the last to indicate how their own citizens may elect another nationality. The papers submitted herewith indicate what is necessary to place us on a par with other leading nations in liberality of legislation on this international question. We have already in our treaties assented to the principles which would need to be embodied in laws intended to accomplish such results. We have agreed that citizens of the United States may cease to be citizens, and may voluntarily render allegiance to other powers. We have agreed that residence in a foreign land, without intent to return, shall of itself work expatriation. We have agreed in some instances upon the length of time necessary for such continued residence to work a presumption of such intent. I invite Congress now to mark out and define when and how expatriation can be accomplished; to regulate by law the condition of American women marrying foreigners; to fix the status of children born in a foreign country of American parents residing more or less permanently abroad, and to make rules for determining such other kindred points as may seem best to Congress.

In compliance with the request of Congress, I transmitted to the American minister at Madrid, with instructions to present it to the Spanish Government, the joint resolution approved on the 3d of March last, tendering to the people of Spain, in the name and on the behalf of the American people, the congratulations of Congress upon the efforts to consolidate in Spain the principles of universal liberty in a republican form of government.

The existence of this new republic was inaugurated by striking the fetters from the slaves in Porto Rico. This beneficent measure was followed by the release of several thousand persons illegally held as slaves in Cuba. Next the captain-general of that colony was deprived of the power to set aside the orders of his superiors at Madrid, which had pertained to the office since 1825. The sequestered estates of American citizens, which had been the cause of long and fruitless correspondence, were ordered to be restored to their owners. All these liberal steps were taken in the face of a violent opposition directed by the reactionary slaveholders of Havana, who are vainly striving to stay the march of ideas which has terminated slavery in Christendom, Cuba only accepted. Unhappily, however, this baneful influence has thus far succeeded in defeating the efforts of all liberal-minded men in Spain to abolish slavery in Cuba, and in preventing the promised reform in that island. The struggle for political supremacy continues there.

The pro-slavery and aristocratic party in Cuba is gradually arraigning itself in more and more open hostility and defiance of the home government, while it still maintains a political connection with the republic in the peninsula; and although usurping and defying the authority of the home government, whenever such usurpation or defiance tends in the direction of oppression or of the maintenance of abuses, it is still a power in Madrid, and is recognized by the government. Thus an element more dangerous to continued colonial relations between Cuba and Spain than that which inspired the insurrection at Yara—an element opposed to granting any relief from misrule and abuse, with no aspirations after freedom, commanding no sympathies in generous breasts, aiming to rivet still stronger the shackles of slavery and oppression—has seized many of the emblems of power in Cuba, and, under professions of loyalty to the mother country, is exhausting the resources of the island, and is doing acts which are at variance with those principles of justice, of liberality, and of right, which give nobility of character to a republic. In the interests of humanity, of civilization, and of progress, it is to be hoped that this evil influence may be soon averted.

The steamer Virginius was on the 26th day of September, 1870, duly registered at the port of New York as a part of the commercial marine of the United States. On the 4th of October, 1870, having received the certificate of her register in the usual legal form, she sailed from the port of New York, and has not since been within the territorial jurisdiction of the United States. On the 31st day of October last, while sailing under the flag of the United States, on the high seas, she was forcibly seized by the Spanish gunboat Tornado, and was carried into the port of Santiago de Cuba, where fifty-three of her passengers and crew were inhumanly, and, so far at least as relates to those who were citizens of the United States, without due process of law, put to death.

It is a well-established principle, asserted by the United States from the beginning of their national independence, recognized by Great Britain and other maritime powers, and stated by the Senate in a resolution passed unanimously on the 16th of June, 1858, that "American vessels on the high seas in time of peace, bearing the American flag, remain under the jurisdiction of the country to which they belong; and therefore any visitation, molestation, or detention of such vessel by force, or by the exhibition of force, on the part of a foreign power, is in derogation of the sovereignty of the United States."

In accordance with this principle, the restoration of the Virginius, and the surrender of the survivors of her passengers and crew, and a due reparation to the flag, and the punishment of the authorities who had been guilty of the illegal acts of violence, were demanded. The Spanish Government has recognized the justice of the demand, and has arranged for the immediate delivery of the vessel, and for the surrender of the survivors of the passengers and crew, and for a salute to the flag, and for proceedings looking to the punishment of those

who may be proved to have been guilty of illegal acts of violence toward citizens of the United States, and also toward indemnifying those who may be shown to be entitled to indemnity. A copy of a protocol of a conference between the Secretary of State and the Spanish minister, in which the terms of this arrangement were agreed to, is transmitted herewith.

The correspondence on this subject with the legation of the United States in Madrid was conducted in cipher and by cable, and needs the verification of the actual text of the correspondence. It has seemed to me to be due to the importance of the case not to submit this correspondence until the accurate text can be received by mail. It is expected shortly, and will be submitted when received.

In taking leave of this subject for the present, I wish to renew the expression of my conviction, that the existence of African slavery in Cuba is a principal cause of the lamentable condition of the island. I do not doubt that Congress shares with me the hope that it will soon be made to disappear, and that peace and prosperity may follow its abolition.

The embargoing of American estates in Cuba; cruelty to American citizens detected in no act of hostility to the Spanish Government; the murdering of prisoners taken with arms in their hands; and, finally, the capture upon the high seas of a vessel sailing under the United States flag and bearing a United States registry, have culminated in an outburst of indignation that has seemed for a time to threaten war. Pending negotiations between the United States and the government of Spain on the subject of this capture, I have authorized the Secretary of the Navy to put our navy on a war footing, to the extent, at least, of the entire annual appropriation for that branch of the service, trusting to Congress and the public opinion of the American people to justify my action.

Assuming from the action of the last Congress, in appointing a "Committee on Privileges and Elections," to prepare and report to this Congress a constitutional amendment to provide a better method of electing the President and Vice President of the United States, and also from the necessity of such an amendment, that there will be submitted to the State Legislatures, for ratification, such an improvement in our Constitution, I suggest two others for your consideration:

First. To authorize the Executive to approve of so much of any measure passing the two Houses of Congress as his judgment may dictate, without approving the whole, the disapproved portion, or portions, to be subjected to the same rules as now, to wit, to be referred back to the House in which the measure, or measures, originated, and if passed by a two-thirds vote of the two Houses, then to become a law without the approval of the President. I would add to this a provision that there should be no legislation by Congress during the last twenty-four hours of its sitting, except upon vetoes, in order to give the Executive an opportunity to examine and approve or disapprove bills understandingly.

Second. To provide, by amendment, that when an extra session of Congress is convened by Executive proclamation, legislation during the continuance of such extra session shall be confined to such subjects as the Executive may bring before it, from time to time, in writing.

The advantages to be gained by these two amendments are too obvious for me to comment upon them. One session in each year is provided for by the Constitution, in which there are no restrictions as to the subjects of legislation by Congress. If more are required, it is always in the power of Congress, during their term of office, to provide for sessions at any time. The first of these amendments would protect the public against the many abuses, and waste of public moneys, which creep into appropriation bills, and other important measures passing during the expiring hours of Congress, to which, otherwise, due consideration cannot be given.

The receipts of the Government from all sources for the last fiscal year were $333,738,204, and expenditures on all accounts $290,345,245, thus showing an excess of receipts over expenditures of $43,392,959. But it is not probable that this favorable exhibit will be shown for the present fiscal year. Indeed, it is very doubtful whether, except with great economy on the part of Congress in making appropriations, and the same economy in administering the various departments of Government, the revenues will not fall short of meeting actual expenses, including interest on the public debt.

I commend to Congress such economy, and point out two sources where, it seems to me, it might commence, to wit, in the appropriations for public buildings in the many cities where work has not yet been commenced; in the appropriations for river and harbor improvement in those localities where the improvements are of but little benefit to general commerce, and for fortifications.

There is a still more fruitful source of expenditure, which I will point out later in this message. I refer to the easy method of manufacturing claims for losses incurred in suppressing the late rebellion.

I would not be understood here as opposing the erection of good, substantial, and even ornamental buildings by the Government wherever such buildings are needed. In fact, I approve of the Government owning its own buildings in all sections of the country, and hope the day is not far distant when it will not only possess them, but will erect in the capital suitable residences for all persons who now receive commutation for quarters or rent at Government expense, and for the Cabinet, thus setting an example to the States which may induce them to erect buildings for their Senators. But I would have this work conducted at a time when the revenues of the country would abundantly justify it.

The revenues have materially fallen off for the first five months of the present fiscal year from what they were expected to produce, owing to the general panic now prevailing, which commenced about the middle of September last. The full effect of this disaster, if it should not prove a "blessing in disguise," is yet to be demonstrated. In either event it is your duty to heed the lesson, and to provide, by wise and well-considered legis-

lation, as far as it lies in your power, against its recurrence, and to take advantage of all benefits that may have accrued.

My own judgment is that, however much individuals may have suffered, one long step has been taken toward specie payments; that we can never have permanent prosperity until a specie basis is reached; and that a specie basis cannot be reached and maintained until our exports, exclusive of gold, pay for our imports, interest due abroad, and other specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the products of our mines.

The development of the mines of precious metals during the past year, and the prospective development of them for years to come, are gratifying in their results. Could but one-half of the gold extracted from the mines be retained at home, our advance toward specie payments would be rapid.

To increase our exports sufficient currency is required to keep all the industries of the country employed. Without this national as well as individual bankruptcy must ensue. Undue inflation, on the other hand, while it might give temporary relief, would only lead to inflation of prices, the impossibility of competing in our own markets for the products of home skill and labor, and repeated renewals of present experiences. Elasticity to our circulating medium, therefore, and just enough of it to transact the legitimate business of the country, and to keep all industries employed, is what is most to be desired. The exact medium is specie, the recognized medium of exchange the world over. That obtained, we shall have a currency of an exact degree of elasticity. If there be too much of it for the legitimate purposes of trade and commerce, it will flow out of the country. If too little, the reverse will result. To hold what we have, and to appreciate our currency to that standard, is the problem deserving of the most serious consideration of Congress.

The experience of the present panic has proven that the currency of the country, based as it is upon the credit of the country, is the best that has ever been devised. Usually, in times of such trials, currency has become worthless, or so much depreciated in value as to inflate the values of all the necessaries of life, as compared with the currency. Every one holding it has been anxious to dispose of it on any terms. Now we witness the reverse. Holders of currency hoard it as they did gold in former experiences of a like nature.

It is patent to the most casual observer that much more currency or money is required to transact the legitimate trade of the country during the fall and winter months, when the vast crops are being removed, than during the balance of the year. With our present system the amount in the country remains the same throughout the entire year, resulting in an accumulation of all the surplus capital of the country in a few centers, when not employed in the moving of crops, tempted there by the offer of interest on call loans. Interest being paid, this surplus capital must earn this interest paid with a profit. Being subject to "call," it cannot be loaned, only in part at best, to the merchant or manufacturer for a fixed term. Hence, no matter how much currency there might be in the country, it would be absorbed, prices keeping pace with the volume, and panics, stringency, and disasters would ever be recurring with the autumn. Elasticity in our monetary system, therefore, is the object to be attained first, and next to that, as far as possible, a prevention of the use of other people's money in stock and other species of speculation. To prevent the latter it seems to me that one great step would be taken by prohibiting the national banks from paying interest on deposits, by requiring them to hold their reserves in their own vaults, and by forcing them into resumption, though it would only be in legal-tender notes. For this purpose I would suggest the the establishment of clearing-houses for your consideration.

To secure the former many plans have been suggested, most if not all of which look to me more like inflation on the one hand, or compelling the Government, on the other, to pay interest, without corresponding benefits, upon the surplus funds of the country during the seasons when otherwise unemployed.

I submit for your consideration whether this difficulty might not be overcome by authorizing the Secretary of the Treasury to issue at any time to national banks of issue any amount of their own notes below a fixed percentage of their issue, say forty per cent., upon the banks depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded, the banks to forfeit to the Government, say four per cent. of the interest accruing on the bonds so pledged during the time they remain with the Treasurer, as security for the increased circulation, the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn. I would further suggest for your consideration the propriety of authorizing national banks to diminish their standing issue at pleasure, by returning for cancellation their own bills and withdrawing so many United States bonds as are pledged for the bills returned.

In view of the great actual contraction that has taken place in the currency, and the comparative contraction continuously going on, due to the increase of population, increase of manufactories, and all the industries, I do not believe there is too much of it now for the dullest period of the year. Indeed, if clearing-houses should be established, thus forcing redemption, it is a question for your consideration whether banking should not be made free, retaining all the safeguards now required to secure billholders. In any modification of the present laws regulating national banks, as a further step toward preparing for resumption of specie payments, I invite your attention to a consideration of the propriety of exacting from them the retention, as a part of their reserve, either the whole or a part of the gold interest accruing upon the bonds pledged as security for their issue. I have not reflected enough on the bearing this might have in producing a scarcity of coin with which to

pay duties on imports to give it my positive recommendation. But your attention is invited to the subject.

During the last four years the currency has been contracted directly by the withdrawal of three per cent. certificates, compound-interest notes, and "seven-thirty" bonds outstanding on the 4th of March, 1869, all of which took the place of legal tenders in the bank reserves to the extent of sixty-three million dollars.

During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than twenty-five thousand miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened to cultivation, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative contraction arises from the organizing of free labor in the South. Now every laborer there receives his wages, and for want of savings banks, the greater part of such wages is carried in the pocket or hoarded until required for use.

These suggestions are thrown out for your consideration, without any recommendation that they shall be adopted literally, but hoping that the best method may be arrived at to secure such an elasticity of the currency as will keep employed all the industries of the country, and prevent such an inflation as will put off indefinitely the resumption of specie payments, an object so devoutly to be wished for by all, and by none more earnestly than the class of people most directly interested—those who "earn their bread by the sweat of their brow." The decisions of Congress on this subject will have the hearty support of the Executive.

In previous messages I have called attention to the decline in American ship building, and recommended such legislation as would secure to us our proportion of the carrying trade. Stimulated by high rates and abundance of freight, the progress for the last year in ship building has been very satisfactory. There has been an increase of about three per cent. in the amount transported in American vessels over the amount of last year. With the reduced cost of material which has taken place, it may reasonably be hoped that this progress will be maintained and even increased. However, as we pay about $80,000,000 per annum to foreign vessels for the transportation to a market of our surplus products, thus increasing the balance of trade against us to this amount, the subject is one worthy of your serious consideration.

"Cheap transportation" is a subject that has attracted the attention of both producers and consumers for the past few years, and has contributed to, if it has not been the direct cause of, the recent panic and stringency.

As Congress, at its last session, appointed a special committee to investigate this whole subject during the vacation, and report at this session, I have nothing to recommend until their report is read.

There is one work, however, of a national character, in which the greater portion of the East and the West, the North and the South, are equally interested, to which I will invite your attention.

The State of New York has a canal connecting Lake Erie with tide-water on the Hudson river. The State of Illinois has a similar work connecting Lake Michigan with navigable water on the Illinois river, thus making water-communication inland, between the East and the West and South. These great artificial water-courses are the property of the States through which they pass, and pay toll to those States. Would it not be wise statesmanship to pledge these States that if they will open these canals for the passage of large vessels the General Government will look after and keep in navigable condition the great public highways with which they connect, to wit: the overslaugh on the Hudson, the Saint Clair flats, and the Illinois and Mississippi rivers? This would be a national work; one of great value to the producers of the West and South in giving them cheap transportation for their produce to the sea-board and a market; and to the consumers in the East in giving them cheaper food, particularly of those articles of food which do not find a foreign market, and the prices of which, therefore, are not regulated by foreign demands. The advantages of such a work are too obvious for argument. I submit the subject to you, therefore, without further comment.

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In further connection with the Treasury Department I would recommend a revision and codification of the tariff laws, and the opening of more mints for coining money, with authority to coin for such nations as may apply.

* * * *

During the past year our navy has been depleted by the sale of some vessels no longer fit for naval service, and by the condemnation of others not yet disposed of. This, however, has been more than compensated for by the repair of six of the old wooden ships, and by the building of eight new sloops of war, authorized by the last Congress. The building of these latter has occurred at a doubly fortunate time. They are about being completed at a time when they may possibly be much needed, and the work upon them has not only given direct employment to thousands of men, but has no doubt been the means of keeping open establishments for other work at a time of great financial distress.

Since the commencement of the last month, however, the distressing occurrences which have taken place in the waters of the Caribbean sea, almost on our very sea-board, while they illustrate most forcibly the necessity always existing that a nation situated like ours should maintain in a state of possible efficiency a navy adequate to its responsibilities, has at the same time demanded that all the effective force we really have shall be put in immediate readiness for warlike service. This has been and is being done promptly and effectively, and I am assured that all the available ships and every authorized man of the American navy will be ready for whatever action is required for the safety of our citizens or

the maintenance of our honor. This, of course, will require the expenditure in a short time of some of the appropriations which were calculated to extend through the fiscal year, but Congress will, I doubt not, understand and appreciate the emergency, and will provide adequately, not only for the present preparation, but for the future maintenance of our naval force. The Secretary of the Navy has, during the past year, been quietly putting some of our most effective monitors in condition for service, and thus the exigency finds us in a much better condition for work than we could possibly have been without his action.

A complete exhibit is presented, in the accompanying report of the Postmaster General, of the operations of the Post Office Department during the year. The ordinary postal revenues for the fiscal year ended June 30, 1873, amounted to $22,996,741 57, and the expenditures of all kinds to $29,084,945 67. The increase of revenues over 1872 was $1,081,315 20, and the increase of expenditures $2,426,753 36.

Independent of the payments made from special appropriations for mail-steamship lines, the amount drawn from the general Treasury to meet deficiencies was $5,265,475. The constant and rapid extension of our postal service, particularly upon railways, and the improved facilities for the collection, transmission, distribution, and delivery of the mails, which are constantly being provided, account for the increased expenditures of this popular branch of the public service.

The total number of post offices in operation on June 30, 1873, was 33,244, a net increase of of 1,381 over the number reported the preceding year. The number of presidential offices was 1,363, an increase of 163 during the year. The total length of railroad mail-routes at the close of the year was 63,457 miles, an increase of 5,546 miles over the year 1872. Fifty-nine railway post-office lines were in operation June 30, 1873, extending over 14,866 miles of railroad routes, and performing an aggregate service of 34,925 miles daily.

The number of letters exchanged with foreign countries was 27,459,185, an increase of 3,096,685 over the previous year, and the postage thereon amounted to $2,021,310 86. The total weight of correspondence exchanged in the mails with European countries exceeded 912 tons, an increase of 92 tons over the previous year. The total cost of the United States ocean-steamship service, including $725,000 paid from special appropriations to subsidized lines of mail steamers, was $1,047,271 35.

* * * * *

Affairs in Utah require your early and special attention. The Supreme Court of the United States, in the case of Clinton *vs.* Englebrecht, decided that the United States marshal of that Territory could not lawfully summon jurors for the district courts; and those courts hold that the territorial marshal cannot lawfully perform that duty, because he is elected by the legislative assembly and not appointed as provided for in the act organizing the Territory. All proceedings at law are practically abolished by these decisions, and there have been but few or no jury trials in the district courts of that Territory since the last session of Congress. Property is left without protection by the courts, and crimes go unpunished. To prevent anarchy there, it is absolutely necessary that Congress provide the courts with some mode of obtaining jurors, and I recommend legislation to that end; and also that the probate courts of the Territory, now assuming to issue writs of injunction and *habeas corpus*, and to try criminal cases and questions as to land titles, be denied all jurisdiction not possessed ordinarily by courts of that description.

I have become impressed with the belief that the act approved March 2, 1867, entitled "An act to establish a uniform system of bankruptcy throughout the United States," is productive of more evil than good at this time. Many considerations might be urged for its total repeal, but, if this is not considered advisable, I think it will not be seriously questioned that those portions of said act providing for what is called involuntary bankruptcy operate to increase the financial embarrassments of the country. Careful and prudent men very often become involved in debt in the transaction of their business, and though they may possess ample property, if it could be made available for that purpose, to meet all their liabilities, yet, on account of the extraordinary scarcity of money, they may be unable to meet all their pecuniary obligations as they become due, in consequence of which they are liable to be prostrated in their business by proceedings in bankruptcy at the instance of unrelenting creditors. People are now so easily alarmed as to monetary matters that the mere filing of a petition in bankruptcy by an unfriendly creditor will necessarily embarrass, and oftentimes accomplish the financial ruin of a responsible business man. Those who otherwise might make lawful and just arrangements to relieve themselves from difficulties produced by the present stringency in money, are prevented by their constant exposure to attack and disappointment by proceedings against them in bankruptcy, and, beside, the law is made use of in many cases by obdurate creditors to frighten or force debtors into a compliance with their wishes and into acts of injustice to other creditors and to themselves. I recommend that so much of said act as provides for involuntary bankruptcy on account of the suspension of payment be repealed.

Your careful attention is invited to the subject of claims against the Government, and to the facilities afforded by existing laws for their prosecution. Each of the Departments of State, Treasury, and War have demands for many millions of dollars upon their files, and they are rapidly accumulating. To these may be added those now pending before Congress, the Court of Claims, and the Southern Claims Commission, making in the aggregate an immense sum. Most of these grow out of the rebellion, and are intended to indemnify persons on both sides for their losses during the war; and not a few of them are fabricated and supported by false testimony. Projects are on foot, it is believed, to induce Congress to provide for new classes of claims, and to revive old ones through the repeal

or modification of the statute of limitations, by which they are now barred. I presume these schemes, if proposed, will be received with little favor by Congress, and I recommend that persons having claims against the United States, cognizable by any tribunal or department thereof, be required to present them at an early day, and that legislation be directed as far as practicable to the defeat of unfounded and unjust demands upon the Government; and I would suggest, as a means of preventing fraud, that witnesses be called upon to appear in person to testify before those tribunals having said claims before them for adjudication. Probably the largest saving to the national Treasury can be secured by timely legislation on these subjects of any of the economic measures that will be proposed.

* * * *

The policy inaugurated toward the Indians at the beginning of the last administration has been steadily pursued, and, I believe, with beneficial results. It will be continued with only such modifications as time and experience may demonstrate as necessary.

* * * *

The business of the General Land Office exhibits a material increase in all its branches during the last fiscal year. During that time there were disposed of, out of the public lands, 13,030,606 acres, being an amount greater by 1,165,631 acres than was disposed of during the preceding year. Of the amount disposed of 1,626,266 acres were sold for cash; 214,940 acres were located with military land warrants; 3,793,612 acres were taken for homesteads; 653,446 acres were located with agricultural college scrip; 6,083,536 acres were certified by railroads; 76,576 acres were granted to wagon roads; 238,548 acres were approved to States as swamp lands; 138,681 acres were certified for agricultural colleges, common schools, universities, and seminaries; 190,775 acres were approved to States for internal improvements; and 14,222 acres were located with Indian scrip. The cash receipts during the same time were $3,408,515 50, being $190,415 50 in excess of the receipts of the previous year. During the year 30,488,132 acres of public land were surveyed, an increase over the amount surveyed the previous year of 1,037,193 acres, and, added to the area previously surveyed, aggregates 616,554,895 acres which have been surveyed, leaving 1,218,443,505 acres of the public land still unsurveyed.

The increased and steadily increasing facilities for reaching our unoccupied public domain, and for the transportation of surplus products, enlarge the available field for desirable homestead locations, thus stimulating settlement and extending year by year in a gradually increasing ratio the area of occupation and cultivation.

The expressed desire of the representatives of a large colony of citizens of Russia to emigrate to this country, as is understood, with the consent of their Government, if certain concessions can be made to enable them to settle in a compact colony, is of great interest, as going to show the light in which our institutions are regarded by an industrious, intelligent, and wealthy people, desirous of enjoying civil and religious liberty; and the acquisition of so large an immigration of citizens of a superior class would, without doubt, be of substantial benefit to the country. I invite attention to the suggestion of the Secretary of the Interior in this behalf.

There was paid during the last fiscal year for pensions, including the expense of disbursement, $29,185,289 62, being an amount less by $984,050 98 than was expended for the same purpose the preceding year. Although this statement of expenditures would indicate a material reduction in amount compared with the preceding year, it is believed that the changes in the pension laws at the last session of Congress will absorb that amount the current year. At the close of the last fiscal year there were on the pension rolls 99,804 invalid military pensioners and 112,088 widows, orphans, and dependent relatives of deceased soldiers, making a total of that class of 211,892; 18,266 survivors of the war of 1812, and 5,053 widows of soldiers of that war pensioned under the act of Congress of February 14, 1871, making a total of that class of 23,319; 1,430 invalid navy pensioners, and 1,770 widows, orphans, and dependent relatives of deceased officers, sailors, and marines of the navy, making a total of navy pensioners of 3,200, and a grand total of pensioners of all classes of 238,411, showing a net increase during the last fiscal year of 6,182. During the last year the names of 16,405 pensioners were added to the rolls, and 10,223 names were dropped therefrom for various causes.

* * * *

The ninth census has been completed, the report thereof published and distributed, and the working force of the bureau disbanded. The Secretary of the Interior renews his recommendation for a census to be taken in 1875, to which subject the attention of Congress is invited. The original suggestion in that behalf has met with the general approval of the country, and even if it be not deemed advisable at present to provide for a regular quinquennial census, a census taken in 1875, the report of which could be completed and published before the one hundredth anniversary of our national independence, would be especially interesting and valuable, as showing the progress of the country during the first century of our national existence. It is believed, however, that a regular census every five years would be of substantial benefit to the country, inasmuch as our growth hitherto has been so rapid that the results of the decennial census are necessarily unreliable as a basis of estimates for the latter years of a decennial period.

Under the very efficient management of the Governor and the Board of Public Works of this District the city of Washington is rapidly assuming the appearance of a capital of which the nation may well be proud. From being a most unsightly place three years ago, disagreeable to pass through in summer in consequence of the dust arising from unpaved streets, and almost impassable in the winter from the mud, it is now one of the most sightly cities in the country, and can boast of being the best paved.

The work has been done systematically, the plans, grades, location of sewers, water and gas

mains being determined upon before the work was commenced, thus securing permanency when completed. I question whether so much has ever been accomplished before in any American city for the same expenditures. The Government having large reservations in the city, and the nation at large having an interest in their capital, I recommend a liberal policy toward the District of Columbia, and that the Government should bear its just share of the expense of these improvements. Every citizen visiting the capital feels a pride in its growing beauty, and that he, too, is part owner in the investments made here.

I would suggest to Congress the propriety of promoting the establishment in this District of an institution of learning, or university of the highest class, by the donation of lands. There is no place better suited for such an institution than the national capital. There is no other place in which every citizen is so directly interested.

In three successive messages to Congress I have called attention to the subject of "civil service reform."

Action has been taken so far as to authorize the appointment of a board to devise rules governing methods of making appointments and promotions, but there never has been any action making these rules, or any rules, binding, or even entitled to observance where persons desire the appointment of a friend, or the removal of an official who may be disagreeable to them.

To have any rules effective they must have the acquiescence of Congress as well as of the Executive. I commend, therefore, the subject to your attention, and suggest that a special committee of Congress might confer with the civil service board during the present session for the purpose of devising such rules as can be maintained, and which will secure the services of honest and capable officials, and which will also protect them in a degree of independence while in office.

Proper rules will protect Congress, as well as the Executive, from much needless persecution, and will prove of great value to the public at large.

I would recommend for your favorable consideration the passage of an enabling act for the admission of Colorado as a State in the Union. It possesses all the elements of a prosperous State, agricultural and mineral, and, I believe, has a population now to justify such admission. In connection with this I would also recommend the encouragement of a canal for purposes of irrigation from the eastern slope of the Rocky Mountains to the Missouri river. As a rule, I am opposed to further donations of public lands for internal improvements, owned and controlled by private corporations, but in this instance I would make an exception. Between the Missouri river and the Rocky Mountains there is an arid belt of public land from three hundred to five hundred miles in width, perfectly valueless for the occupation of man, for the want of sufficient rain to secure the growth of any product. An irrigating canal would make productive a belt, as wide as the supply of water could be made to spread over, across this entire country, and would secure a cordon of settlements, connecting the present population of the mountain and mining regions with that of the older States. All the land reclaimed would be clear gain. If alternate sections are retained by the Government, I would suggest that the retained sections be thrown open to entry under the homestead laws, or sold to actual settlers for a very low price.

I renew my previous recommendation to Congress for general amnesty. The number engaged in the late rebellion yet laboring under disabilities is very small, but enough to keep up a constant irritation. No possible danger can accrue to the Government by restoring them to eligibility to hold office.

I suggest for your consideration the enactment of a law to better secure the civil rights which freedom should secure, but has not effectually secured, to the enfranchised slave.

U. S. GRANT.

IX.

PROCLAMATIONS AND ORDERS OF PRESIDENT GRANT.

Order Respecting Wages of Labor, May 11, 1872.

Whereas the act of Congress approved June 25, 1868, constituted, on and after that date, eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States;

And whereas on the nineteenth day of May, in the year one thousand eight hundred and sixty-nine, by executive proclamation, it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor;

And whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all officers of the Government having charge of such laborers, workmen, and mechanics:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the Executive department of the Government having charge of the employment and payment of laborers, workmen, or mechanics employed by or on behalf of the Government

of the United States to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor.

In testimony whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this eleventh day of May, in the year of our Lord one thou-
[SEAL.] sand eight hundred and seventy-two, and of the independence of the United States the ninety-sixth.

By the President: U. S. GRANT.
HAMILTON FISH, *Secretary of State.*

Proclamation as to Ships and Vessels of Sweden and Norway, May 11, 1872.

Whereas, pursuant to the first section of the act of Congress approved the eleventh day of June, one thousand eight hundred and sixty-four, entitled "An act to provide for the execution of treaties between the United States and foreign nations respecting consular jurisdiction over the crews of vessels of such foreign nations in the waters and ports of the United States," it is provided that before that act shall take effect as to the ships and vessels of any particular nation having such treaty with the United States, the President of the United States shall have been satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall have issued his proclamation to that effect, declaring that act to be in force as to such nation;

And whereas due inquiry having been made, and a satisfactory answer having been received that similar provisions are in force in the United Kingdoms of Sweden and Norway:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, do hereby proclaim the same accordingly.

Done at the city of Washington this eleventh day of May, in the year of our Lord one thou-
[SEAL.] sand eight hundred and seventy-two, and of the independence of the United States of America the ninety-sixth.

By the President: U. S. GRANT.
HAMILTON FISH, *Secretary of State.*

Proclamation respecting Discriminating Duties on Japanese Vessels, September 4, 1872.

Whereas satisfactory information has been received by me from His Majesty the Emperor of Japan, through an official communication of Mr. Arinori Mori, His Majesty's Chargé d'Affaires, under date of the second instant, that no other or higher duties of tonnage or impost are imposed or levied in the ports of the Empire of Japan, upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States, or from any foreign country, than are levied on Japanese ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the twenty-fourth day of May, one thousand eight hundred and twenty-eight, do hereby declare and proclaim that, from and after the said second instant, so long as vessels of the United States and their cargoes shall be exempt from discriminating duties as aforesaid, any such duties on Japanese vessels entering the ports of the United States, or on the produce, manufactures, or merchandise imported in such vessels, shall be discontinued and abolished.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, the fourth day of September, in the year of our
[SEAL.] Lord one thousand eight hundred and seventy-two, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:
CHARLES HALE, *Acting Secretary of State.*

Proclamation respecting Discriminating Duties on French Vessels, October 30, 1872.

Whereas, upon information received by me from His Majesty the Emperor of the French, that discriminating duties before the date of said information levied in French ports upon merchandise imported from the countries of its origin in vessels of the United States were discontinued and abolished, and in pursuance of the provisions of an act of Congress of the 7th of January, 1824, and of an act in addition thereto of the 24th of May, 1828, I did, on the 12th day of June, 1869,* issue my proclamation declaring that the discriminating duties before that date levied upon merchandise imported from the countries of its origin into ports of the United States in French vessels were thereby discontinued and abolished;

And whereas, upon information subsequently received by me that the levying of such duties on all merchandise imported into France in vessels of the United States, whether from the country of its origin or from other countries, had been discontinued, I did, on the 20th of November, 1869, in pursuance of the provisions of the said acts of Congress, and by the authority in me vested thereby, issue my proclamation declaring that the discriminating duties before that date levied upon merchandise imported into the United States in French vessels, either from the countries of its origin or from any other country, were thereby discontinued and abolished;

And whereas, by the provisions of the said acts of Congress of January 7th, 1824, and of the 24th of May, 1828, as well as by the terms of the said proclamations of the 12th of June, 1869, and of the 20th of November, 1869, the said suspension of discriminating duties upon merchandise imported into the United States in French vessels was granted by the United States on condition that, and to continue so long as

* For this proclamation, see McPherson's History of Reconstruction. p, 421.

merchandise imported into France in vessels of the United States should be admitted into the ports of France on the same terms of exemption from the payment of such discriminating duties;

And whereas information has been received by me that, by a law of the French Republic, passed on the 30th of January, 1872, and published on the 3d of February, 1872, merchandise imported into France in vessels of the United States, from countries other than the United States, is (with the exception of certain articles enumerated in said law) subjected to discriminating duties;

And whereas, by the operation of said law of the French Republic of the 30th of January, 1872, the exemption of French vessels and their cargoes granted by the terms of the said proclamations of the 12th of June, 1869, and of the 20th of November, 1869, in accordance with the provisions of the acts of Congress aforesaid, has ceased to be reciprocal on the part of France towards vessels owned by citizens of the United States and their cargoes:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the seventh day of January, one thousand eight hundred and twenty-four, and by an act in addition thereto of the twenty-fourth day of May, one thousand eight hundred and twenty-eight, do hereby declare and proclaim that on and after this date the said suspension of the collection of discriminating duties upon merchandise imported into the United States in French vessels from countries other than France, provided for by my said proclamations of the twelfth day of June, one thousand eight hundred and sixty-nine, and the twentieth day of November, one thousand eight hundred and sixty-nine, shall cease and determine, and all the provisions of the acts imposing discriminating foreign tonnage and import duties in the United States are hereby revived, and shall henceforth be and remain in full force, as relates to goods and merchandise imported into the United States in French vessels from countries other than France, so long as any discriminating duties shall continue to be imposed by France upon goods and merchandise imported into France in vessels of the United States from countries other than the United States.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this thirtieth day of October, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States the ninety-seventh.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

Executive order prohibiting certain United States officers from holding office under any State or Territorial Government, January 17, 1873.

Whereas it has been brought to the notice of the President of the United States that many persons holding civil office by appointment from him, or otherwise, under the Constitution and laws of the United States, while holding such federal positions accept offices under the authority of the States and Territories in which they reside. or of municipal corporations, under the charters and ordinances of such corporations, thereby assuming the duties of the State, Territorial, or municipal office at the same time that they are charged with the duties of the civil office held under federal authority:

And whereas it is believe that, with but few exceptions, the holding of two such offices by the same person is incompatible with a due and faithful discharge of the duties of either office; that it frequently gives rise to great inconvenience, and often results in detriment to the public service; and, moreover, is not in harmony with the genius of the Government;

In view of the premises, therefore, the President has deemed it proper thus and hereby to give public notice that, from and after the 4th day of March, A. D. 1873, (except as herein specified,) persons holding any federal civil office by appointment under the Constitution and laws of the United States will be expected, while holding such office, not to accept or hold any office under any State or Territorial government, or under the charter or ordinances of any municipal corporation; and further, that the acceptance or continued holding of any such State, Territorial, or municipal office, whether elective or by appointment, by any person holding civil office, as aforesaid, under the Government of the United States, other than judicial offices under the Constitution of the United States, will be deemed a vacation of the federal office held by such person, and will be taken to be, and will be treated as, a resignation by such federal officer of his commission or appointment in the service of the United States.

The offices of justices of the peace, of notaries public, and of commissioners to take the acknowledgement of deeds, of bail, or to administer oaths, shall not be deemed within the purview of this order, and are excepted from its operation, and may be held by federal officers.

The appointment of deputy marshal of the United States may be conferred upon sheriffs or deputy sheriffs. And deputy postmasters, the emoluments of whose office do not exceed six hundred dollars per annum, are also excepted from the operations of this order, and may accept and hold appointments under State, Territorial, or municipal authority, provided the same be found not to interfere with the discharge of their duties as postmasters. Heads of Departments and other officers of the Government who have the appointment of subordinate officers are required to take notice of this order, and to see to the enforcement of its provisions and terms within the sphere of their respective departments or offices, and as relates to the several persons holding appointments under them, respectively.

By order of the PRESIDENT:

HAMILTON FISH, *Secretary of State.*

WASHINGTON, *January* 17, 1873.

Letter of the Secretary of State explanatory of the above Executive Order, January 28, 1873.

DEPARTMENT OF STATE,
WASHINGTON, *January* 28, 1873.

Inquiries having been made from various quarters as to the application of the executive order, issued on the 17th January, relating to the holding of State or municipal offices by persons holding civil offices under the Federal Government, the President directs the following reply to be made:

It has been asked whether the order prohibits a federal officer from holding also the office of an alderman or of a common councilman in a city, or of a town councilman of a town or village, or of appointments under city, town, or village governments. By some it has been suggested that there may be distinction made in case the office be with or without salary or compensation. The city or town offices of the description referred to, by whatever names they may be locally known, whether held by election or by appointment, and whether with or without salary or compensation, are of the class which the executive order intends not to be held by persons holding federal offices.

It has been asked whether the order prohibits federal officers from holding positions on boards of education, school committees, public libraries, religious or eleemosynary institutions incorporated or established or sustained by State or municipal authority. Positions and service on such boards or committees, and professorships in colleges, are not regarded as "offices" within the contemplation of the executive order, but as employments or service in which all good citizens may be engaged without incompatibility, and in many cases without necessary interference with any position which they may hold under the Federal Government. Officers of the Federal Government may, therefore, engage in such service, provided the attention required by such employment does not interfere with the regular and efficient discharge of the duties of their office under the Federal Government. The head of the department under whom the federal office is held will, in all cases, be the sole judge whether or not the employment does thus interfere.

The question has also been asked with regard to officers of the State militia. Congress having exercised the power conferred by the Constitution to provide for organizing the militia, which is liable to be called forth to be employed in the service of the United States, and is thus, in some sense, under the control of the General Government, and is, moreover, of the greatest value to the public, the executive order of 17th January is not considered as prohibiting federal officers from being officers of the militia in the States and Territories.

It has been asked whether the order prohibits persons holding office under the Federal Government being members of local or municipal fire departments; also, whether it applies to mechanics employed by the day in the armories, arsenals, and navy yards, &c., of the United States. Unpaid service in local or municipal fire departments is not regarded as an office within the intent of the executive order, and may be performed by federal officers, provided it does not interfere with the regular and efficient discharge of the duties of the federal office, of which the head of the department under which the office is held will, in each case, be the judge. Employment by the day as mechanics or laborers in the armories, arsenals, navy yards, &c., does not constitute an office of any kind, and those thus employed are not within the contemplation of the executive order. Master-workmen, and others who hold appointments from the Government, or from any department, whether for a fixed time or at the pleasure of the appointing power, are embraced within the operation of the order.

By order of the President:

HAMILTON FISH, *Secretary of State.*

Proclamation requiring certain disorderly persons in Louisiana to disperse, May 22, 1873.

Whereas, under the pretence that William P. Kellogg, the present executive of Louisiana, and the officers associated with him in the State administration, were not duly elected, certain turbulent and disorderly persons have combined together with force and arms to resist the laws and constituted authorities of said State; and

Whereas it has been duly certified by the proper local authorities, and judicially determined by the inferior and Supreme courts of said State, that said officers are entitled to hold their offices respectively, and execute and discharge the functions thereof; and

Whereas Congress, at its late session, upon a due consideration of the subject, tacitly recognized the said executive and his associates then, as now, in office, by refusing to take any action with respect thereto; and

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union on application of the Legislature, or of the executive when the Legislature cannot be convened, against domestic violence; and

Whereas it is provided in the laws of the United States, that in all cases of insurrection in any State, or of obstruction to the laws thereof, it shall be lawful for the President of the United States on application of the Legislature of such State, or of the executive when the Legislature cannot be convened, to call forth the militia of any other State or States, or to employ such part of the land and naval forces as shall be judged necessary for the purpose of suppressing such insurrection or causing the laws to be duly executed; and

Whereas the Legislature of said State is not now in session, and cannot be convened in time to meet the present emergency, and the executive of said State, under section 4 of article IV of the Constitution of the United States, and the laws passed in pursuance thereof, has, therefore, made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence

and to enforce the due execution of the laws; and

Whereas it is required that whenever it may be necessary in the judgment of the President to use the military force for the purpose aforesaid, he shall forthwith by proclamation command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation, and command said turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within twenty days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid and co-operation of all good citizens thereof to uphold law and preserve the public peace.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-second day of May, in the year of our Lord eighteen hundred and seventy-
[SEAL.] three, and of the independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

J. C. BANCROFT DAVIS,
Acting Secretary of State.

Proclamation announcing that the Government of Great Brtiain had given full effect to Articles 18th to 25th inclusive and Article 30th of the Treaty of Washington, July 1, 1873.

Whereas by the thirty-third article of a treaty concluded at Washington on the 8th day of May, 1871, between the United States and her Britannic Majesty, it was provided that "Articles XVIII to XXV inclusive and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other;"

And whereas by the first section of an act entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the eighth day of May, eighteen hundred and seventy-one, relating to the fisheries," it is provided "that whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward's Island have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain signed at the city of Washington on the eighth day of May, eighteen hundred and seventy-one, as contained in articles eighteenth to twenty-fifth inclusive and article thirtieth of said treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence;"

And whereas the Secretary of State of the United States and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington have recorded in a protocol a conference held by them at the Department of State in Washington, on the 7th day of June, 1873, in the following language:

"PROTOCOL

"*Of a conference held at Washington, on the seventh day of June, one thousand eight hundred and seventy-three.*

"Whereas it is provided by Article XXXIII of the treaty between her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, signed at Washington on the 8th of May, 1871, as follows:

"ARTICLE XXXIII.

"The foregoing Articles, XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation, and further, until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years, or at any time afterward;

"And whereas, in accordance with the stipulations of the above recited article, an act was passed by the Imperial Parliament of Great Britain in the 35th and 36th years of the reign of Queen Victoria, intituled 'An act to carry into effect a treaty between Her Majesty and the United States of America;'

"And whereas an act was passed by the Senate and House of Commons of Canada in the fifth session of the First Parliament, held in the thirty-fifth year of Her Majesty's reign, and assented to in Her Majesty's name, by the Governor General, on the fourteenth day of June, 1872, intituled 'An act relating to the treaty of Washington, 1871;'

"And whereas an act was passed by the Legislature of Prince Edward's Island and assented to by the Lieutenant Governor of that Colony on the 29th day of June, 1872, intituled 'An act relative to the treaty of Washington, 1871:'

"And whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, and approved on the first day of March, 1873, by the President of the United States, intituled 'An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the eighth day of May, eighteen hundred and seventy-one, relating to fisheries:'

"The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Honorable Sir Edward Thornton, one of her Majesty's

Most Honorable Privy Council, Knight Commander of the Most Honorable Order of the Bath, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Article XXX of the treaty aforesaid into operation, have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one part, and by the Congress of the United States on the other, hereby declare that Articles XVIII to XXV, inclusive, and Article XXX of the treaty between Her Britannic Majesty and the United States of America of the 8th of May, 1871, will take effect on the first day of July next.

"In witness whereof the undersigned have signed this protocol, and have hereunto affixed their seals.

"Done in duplicate at Washington, this seventh day of June, 1873.

(Seal) (Signed) "HAMILTON FISH.
(Seal) (Signed) "EDW'D THORNTON."

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward's Island, have passed laws on their part to give full effect to the provisions of the said treaty as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said Treaty.

In testimony whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of July, in the year of our Lord one thousand eight hundred and seventy-
[SEAL.] three, and of the independence of the United States of America the ninety-seventh. U. S. GRANT.

By the President:
HAMILTON FISH, *Secretary of State.*

Proclamation that an International Exhibition of Arts, Manufactures, and Products of the Soil and Mine will be opened in Philadelphia April 19, 1876, July 3, 1873.

Whereas by the act of Congress approved March third, eighteen hundred and seventy-one, providing for a national celebration of the one hundredth anniversary of the independence of the United States, by the holding of an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, in the year eighteen hundred and seventy-six, it is provided as follows:

"That whenever the President shall be informed by the Governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open, and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries;"

And whereas his excellency the Governor of the State of Pennsylvania did, on the twenty-fourth day of June, eighteen hundred and seventy-three, inform me that provision has been made for the erection of said buildings, and for the exclusive control by the commission provided for in the said act of the proposed exhibition;

And whereas the President of the United States Centennial Commission has officially informed me of the dates fixed for the opening and closing of the said exhibition, and the place at which it is to be held:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim that there will be held, at the city of Philadelphia, in the State of Pennsylvania, an international exhibition of arts, manufactures, and products of the soil and mine, to be opened on the nineteenth day of April, Anno Domini eighteen hundred and seventy-six, and to be closed on the nineteenth day of October, in the same year.

And in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States; and, in behalf of this Government and people, I cordially commend them to all nations who may be pleased to take part therein.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this third day of July, one thousand eight hundred and seventy-three, and of the independ-
[L. S.] ence of the United States the ninety-seventh. U. S. GRANT

By the President:
HAMILTON FISH, *Secretary of State.*

Proclamation respecting Discriminating Duties on French Vessels, September 22, 1873.

Whereas satisfactory evidence was given me on the 13th day of September current, by the Marquis de Noailles, Envoy Extraordinary and Minister Plenipotentiary from the French Republic, that on and after the 1st day of October next, merchandise imported into France in vessels of the United States, from whatever country, will be subject to no other duties or imposts than those which shall be collected upon merchandise imported into France from countries of its origin or from any other country in French vessels:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by law, do hereby de-

clare and proclaim that on and after the 1st day of October next, so long as merchandise imported into France in vessels of the United States, whether from the countries of its origin or from other countries, shall be admitted into the ports of France on the terms aforesaid, the discriminating duties heretofore levied upon merchandise imported into the United States in French vessels, either from the countries of its origin or from any other country, shall be and are discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-second day of September, in the year of our Lord one thousand eight hundred and
[L. S.] seventy-three, and of the independence of the United States of America the ninety-eighth. U. S. GRANT.

By the President:
J. C. BANCROFT DAVIS,
Acting Secretary of State.

Commanding the Dispersion of all Turbulent and Disorderly Persons in Arkansas, May 15, 1874.

Whereas certain turbulent and disorderly persons pretending that Elisha Baxter, the present executive of Arkansas, was not elected, have combined together with force and arms to resist his authority as such executive, and other authorities of said State; and whereas said Elisha Baxter has been declared duly elected by the General Assembly of said State, as provided in the constitution thereof, and has for a long period been exercising the functions of said office, into which he was inducted according to the constitution and laws of said State, and ought by its citizens to be considered as the lawful executive thereof; and whereas it is provided in the Constitution of the United States that the United States shall protect every State in the Union, on application of the Legislature, or the Executive when the Legislature cannot be convened, against domestic violence; and whereas said Elisha Baxter, under section 4 of article 4 of the Constitution of the United States, and the laws passed in pursuance thereof, has heretofore made application to me to protect said State and the citizens thereof against domestic violence; and whereas the General Assembly of said State convened in extra session at the capital thereof on the 11th instant, pursuant to a call made by said Elisha Baxter, and both Houses thereof have passed a joint resolution also applying to me to protect the State against domestic violence; and whereas it is provided in the laws of the United States that in all cases of insurrection in any State, or of obstruction to the laws thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or by the executive when the Legislature cannot be convened, to employ such part of the land and naval forces as shall be judged necessary for the purpose of suppressing such insurrection, or causing the laws to be duly executed; and whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith by proclamation command such insurgents to disperse and retire peaceably to their respective houses within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command all turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within ten days from this date, and hereafter to submit themselves to the lawful authority of said executive and the other constituted authorities of said State; and I invoke the aid and co-operation of all good citizens to uphold law and preserve public peace.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this fifteenth day of May, in the year of our Lord eighteen hundred and seventy-four,
[SEAL.] and the independence of the United States the ninety-eighth.

By the President: U. S. GRANT.
HAMILTON FISH, *Secretary of State.*

Proclamation announcing that the Imperial Parliament of Great Britain and the Legislature of Newfoundland have given effect to Articles 18th to 25th inclusive and Article 30th of the Treaty of Washington, May 29th, 1874.

Whereas, by the thirty-third article of a treaty concluded at Washington the 8th day of May, 1871, between the United States and Her Britannic Majesty, it was provided that "Articles XVIII to XXV, inclusive, and Article XXX of this treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island, on the one hand, and by the Congress of the United States on the other; and whereas it is provided by Article XXXII of the treaty aforesaid that the provisions and stipulations of article XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect by either of the legislative bodies aforesaid shall not in any way impair any other articles of this treaty."

And whereas by the second section of an act, entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, eighteen hundred and seventy-one, relating to the fisheries," it is provided: "That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the Legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above enumerated articles, being the products of the fisheries

of the colony of Newfoundland, shall be admitted into the United States free of duty from and after the date of a proclamation of the President of the United States declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty shall remain in force, according to the terms and conditions of articles thirty-third of said treaty;" and whereas the Secretary of State of the United States and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington have recorded in a protocol of a conference held by them at the Department of State in Washington on the 28th day of May, 1874, in the following language:

"Protocol of a conference received at Washington on the twenty eighth day of May, one thousand eight hundred and seventy-four.

"Whereas it is provided by article XXXII of the treaty between the United States of America and Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, signed at Washington on the 8th day of May, 1871, as follows:

ARTICLE XXXII.

"It is further agreed that the provisions and stipulations of articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

"And whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, and approved on the first day of March, 1873, by the President of the United States, entitled 'An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the eighth of May, 1871, relating to fisheries,' by which act it is provided:

"'SEC. 2. That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the Legislature thereof, and the Imperial Parliament, shall pass the necessary laws for that purpose, the above enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty.'

"And whereas an act was passed by the Governor, Legislative Council, and Assembly of Newfoundland, in legislative session convened, in the thirty-seventh year of Her Majesty's reign, and assented to by Her Majesty on the 12th day of May, 1874, entitled 'An act to carry into effect the provisions of the treaty of Washington, as far as they relate to this colony.'

"The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Honorable Sir Edward Thornton one of Her Majesty's most honorable Privy Council, Knight Commander of the most honorable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the articles XVIII to to XXV inclusive, and articles XXX and XXXII, of the treaty aforesaid into operation, have been passed by the Congress of the United States on the one part, and by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island and the Legislature of Newfoundland on the other, hereby declare articles XVIII to XXV inclusive, and article XXX, of the treaty between the United States of America and Her Britannic Majesty shall take effect, in accordance with article XXXIII of said treaty between the citizens of the United States of America and Her Majesty's subjects in the colony of Newfoundland, on the first day of June next.

"In witness whereof the undersigned have signed this protocol, and have hereunto affixed their seals.

"Done in duplicate at Washington, this twenty-eighth day of May, 1874.

"[L. S.] HAMILTON FISH.
"[L. S.] ED'WD THORNTON."

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain and the Legislature of Newfoundland have passed laws on their part to give full effect to the provisions of the said treaty, as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty.

In testimony whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-ninth day of May, in the year of our Lord one thousand eight hundred and
[SEAL.] seventy-four, and of the independence of the United States of America the ninety-eighth. U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

X.

PRESIDENT GRANT'S INTERVIEWS AND LETTERS ON PUBLIC AFFAIRS.

On Currency and Finance.

The President's Letters written during the "Panic of 1873."

[Reprinted from newspaper copies.]

EXECUTIVE MANSION,
WASHINGTON, D. C., *September* 28, 1873.

Messrs. H. B. CLAFLIN and CHARLES L. ANTHONY:

GENTLEMEN: In response to the news you have communicated to me touching the present stringency in the money market of the country, and the necessary steps to restore confidence and legitimate trade and commerce, I have the honor to communicate the following:

The Government is desirous of doing all in its power to relieve the present unsettled condition of business affairs, which is holding back the immense resources of the country now awaiting transportation to the seaboard and a market.

Confidence on the part of the people is the first thing needed to relieve this condition and to avert the threatened destruction of business, with its accompanying disasters to all classes of the people. To re-establish this feeling the Government is willing to take all legal measures at its command; but it is evident that no Government efforts will avail without the active co-operation of the banks and moneyed corporations of the country.

With the fourteen millions already paid out in the purchase of the Government indebtedness and the withdrawal of their large deposits from the Treasury, the banks are now strong enough to adopt a liberal policy on their part, and by a generous system of discounts to sustain the business interests of the country. Should such a course be pursued the forty-four millions of reserve will be considered as money in the Treasury to meet the demands of the public necessity as the circumstances of the country may require. Close attention will be given to the course pursued by those who have the means at their command of rendering all the aid necessary to restore trade to its proper channels and condition, with a view of strengthening the hands of those who carry out the measures above indicated. Orders have already been issued for the prepayment of the interest accruing in November.

U. S. GRANT.

EXECUTIVE MANSION,
WASHINGTON, D. C., *October* 6, 1873.

MY DEAR MR. COWDREY: Your letter of the 20th ultimo was duly received and read, as was your previous letter. Neither required an answer particularly, and hence I did not answer them at that time. Your last letter, however, contains one sentence that it seems proper that I should reply to, that is as to an implied threat to the national banks contained in my letter to Messrs. Anthony and Claflin. Nothing was further from my mind than a threat. My whole object was to restore confidence to the public mind, and to give assurances that the Government would give all the aid in its power, keeping in view, at the same time, the solvency of the national Treasury.

You and all bank presidents know more about the condition of your banks than I can possibly know. In turn, I, through the Secretary of the Treasury, know more about the financial condition of the Government, its ability to render aid, &c., than any person disconnected from the administration of its affairs can know. I alluded to the fact that the forty-million reserve notes in the Treasury would be regarded as money in the Treasury subject to use, for the purpose of showing that the means are at hand to give the relief we promise.

I do not believe the present panic will work to individuals half the injury it will work general good to the country at large. Our monetary system is the creation of necessity. It has no elasticity, but in other respects it is the best that has ever been devised. No one now distrusts the value of his paper dollar; on the contrary, it is seized and hoarded with the same avidity now that the gold dollar has been in former like adversities. The panic will call attention to the defects in our monetary system, and will no doubt lead to legislation to relieve the want of elasticity.

The panic has brought greenbacks about to a par with silver. I wonder that silver is not already coming into the market to supply the deficiency in the circulating medium. When it does come—and I predict that it will soon—we will have made a rapid stride toward specie payments. Currency will never go below silver after that.

The circulation of silver will have other beneficial effects. Experience has proved that it takes about forty millions of fractional currency to make the small change necessary for the transaction of the business of the country. Silver will gradually take the place of this currency, and, further, will become the standard of values, which will be hoarded in a small way.

I estimate that this will consume from two to three hundred millions, in time, of this species of our circulating medium. It will leave the paper currency free to perform the legitimate functions of trade, and will tend to bring us back where we must come at last—to a specie basis. I confess to a desire to see a limited hoarding of money. It insures a firm foundation in time of need. But I want to see the hoarding of something that has a standard of value the world over. Silver has this, and if we once get back to that our strides toward a higher appreciation of our currency will be rapid.

Our mines are now producing almost unlimited

amounts of silver, and it is becoming a question, "What shall we do with it?" I suggest here a solution that will answer for some years, and suggest to you bankers whether you may not imitate it: To put it in circulation now; keep it there until it is fixed, and then we will find other markets. The South and Central American countries have asked us to coin their silver for them. There has never been authority of law to do so. I trust it will now be given. When it is given, it will be more than the equivalent of becoming exporters of articles of manufacture which were previously articles of import. Orders will come for large amounts of coin. It will be all in silver, while payments are not necessarily so. We become the manufacturer of this currency, with a profit, and will probably secure a portion of our pay in the more precious metal.

I have thought much about the recommendations I should make to Congress, and have changed slightly in regard to banking laws since I last had the pleasure of a personal interview with you. It is not necessary to state what those changes are, because they may undergo further modification. I shall give to the subject, however, my sincerest thoughts, and will court the views of others.

I have written this hastily, but if it calls forth any views you would like to express I will be glad to hear them. Yours, truly,

U. S. GRANT.

A Denial Made.

A "special" having been published in the New York *Times* of March 21, 1874, purporting to indicate the PRESIDENT's purpose to veto a pending bill, if passed, the PRESIDENT authorized the following denial to be telegraphed by the reporter of the Associated Press, and it was published March 23:

President GRANT, in conversation with a leading Western Republican Senator, said the statement in a Washington dispatch to a New York paper published Saturday morning, that any legislation tending to inflation must run the gauntlet of his veto, was wholly without foundation; that he had conversed with no one on the subject, and if he were a member of Congress he should regard an intimation of a veto in advance of legislation as an unbecoming threat by the Executive, and should resent it.

Interview with Boston Merchants.

1874, April 4—A meeting was held in Boston "to protest against inflation," and passed resolutions and appointed a committee to present them to the PRESIDENT. Mr. WILLIAM GRAY, of that committee, made this report of the interview:

John H. Clifford, William Gaston, John M. Forbes, Henry P. Kidder, and M. D. Spaulding, esquires, my associates upon the committee appointed by the meeting at Faneuil Hall, April 4, 1874, to present its resolutions and a memorial to the President of the United States:

GENTLEMEN: You are aware that directly after the meeting in Faneuil Hall, by which we were appointed, a memorial to the PRESIDENT, with the resolutions adopted by the citizens of Boston, was prepared and signed by all of the committee, including myself. It was understood that I should, as chairman, keep myself informed of the progress of the bill in the House of Representatives, and notify you when it became necessary to go to Washington. We all agreed to visit that city and present the memorial to the PRESIDENT as soon as the bill should have passed the House.

On Tuesday, the 14th instant, I went to New York, on my way to Washington, and on the evening of that day, while there, was informed by telegraph of the passage of the bill, and notified you immediately that I desired to meet you in Washington on Thursday morning, the 16th instant. When I reached the capital at midnight on Wednesday, I learned by telegraph that none of you could be there before the following Saturday morning.

As I had the original memorial, with the signatures of the whole committee, I decided to wait at once upon the PRESIDENT and present it to him.

I called upon General Sherman, who kindly offered to go with me to the PRESIDENT, and I gladly accepted his offer. We went, and were admitted at once, when General Sherman immediately left the PRESIDENT and myself alone together, and no other person was present during the interview.

I stated to the PRESIDENT that a large public meeting, the numbers of which were estimated by the newspapers from 2,500 to 4,000 persons, had been recently held in Faneuil Hall; that resolutions had been unanimously adopted, and a committee appointed to present them, with a memorial to be prepared by them, to the PRESIDENT: that the legislation of the House had advanced rapidly, and my associates were unprepared to leave home at the moment, and could not reach Washington before Saturday; that I regretted their absence, but as the paper which I had with me had been signed by every one of them delay seemed unnecessary, and I requested his permission to read the resolutions and memorial to him, to which request he assented.

I read the paper through without interruption from the PRESIDENT. When I had finished he said: "There are two things in that paper which I do not like. The resolutions say the legal tender acts were first declared unconstitutional, and afterwards constitutional by a majority of one vote. That is not exactly so. The resolutions attack my administration, in saying that the legal tender notes should have been paid with the reserves instead of using them to buy up long bonds. This was the policy of my administration, and such a resolution is an attack upon it which I do not like. I think that policy is right, and they call it wrong. That policy reduced the premium on gold from 34 per cent. to 13 per cent."

I replied that it was the general understanding that the citizens of the United States were at full liberty to assemble in public meetings and pass any resolutions which they saw fit and present them to the PRESIDENT, observing proper courtesy; that I did not write the resolutions,

but was the official organ deputed by the citizens to present them to him.

He then remarked that in the memorial we deplored the passage of the original legal tender acts, and he did not like that; that the war could not have been successfully carried on without them, that the country had approved them, and he did not think it right that we should come to ask a favor of him and at the same time censure his administration. I replied that neither I nor the citizens of Boston asked any favor at his hands; that they desired the right thing to be done; that they had expressed their views of what the right was and presented them to him; that they did not claim infallibility, and that he would act on his own judgment.

He then said that Massachusetts and Rhode Island had more than their share of bank circulation. To which I replied: "Take the excess away from them, for I will not ask for Massachusetts anything which I would not ask for any State in the Union; I have a letter from one bank president in Boston expressing a willingness to relinquish the circulation."

The PRESIDENT said he should not have alluded to this subject had it not been for the criticisms on his administration contained in the paper.

I then said to him that the matters on which we had thus far conversed were collateral, and had no bearing on the questions at issue, which were these two:

Shall the public faith be preserved?

Shall we have a fixed standard of value, or enter upon a sea of irredeemable paper money?

That if the legal tender issues should be increased in a time of peace, with no public exigency, it would be a precedent for any and every future Congress to enlarge them at will, and without limit. That I should like to ask him one question: Whether it would not meet his views to keep the limit of three hundred and fifty-six millions of legal tender notes as now established by law, to pass an act of indemnity for the existing over issue of twenty-six millions, and provide that as soon as the working balance in the Treasury should exceed ten or fifteen millions, the excess of twenty-six millions should be retired and canceled with the surplus. That, with the addition to this of proper provision for redemption, on demand, of bank circulation, that might be increased, and that the country be supplied with all the currency which it desired, and for which it could give security.

He remarked that we were now coming toward an accord; that he was not in favor of expansion, and he wished to add that he did not intend to tell me what he should do with the bill.

I replied that I had not asked him that question, nor did I intend to do so; that if I had done so I should have expected a reply which would have deterred me from asking another question.

I then said: "I have executed my commission and will not detain you longer in the press of your occupations." I bade him good morning, and the interview closed by his saying, "I am glad to have seen you."

Yours, respectfully,

WILLIAM GRAY, *Chairman.*

BOSTON, *April* 21, 1874.

Interview with New York Bankers.

April 17—A committee of New York bankers, capitalists, and merchants presented to the PRESIDENT a petition signed by twenty-five hundred names, without distinction of party, asking him to veto the Senate bill. The following was the PRESIDENT'S reply:

The PRESIDENT, in reply, said he had watched the progress of this bill through Congress with more interest than he had any other measure before that body since he had been President. He had at all times been entirely free in the expression of his views, and was always opposed to expansion without redemption, and in favor of free banking, accompanied with such legislation as would carry out the pledges of Congress and the party in the direction of a resumption of specie payments, but he had to look at this matter a little different from the views of this committee. They show very well what they want, and may imagine—as he might were he a citizen of New York—that the whole country want what they do. The chairman of a similar committee from Boston called on him yesterday. If he ever could be in favor of inflation, it would be from the effects of such arguments as that gentleman advocated against it; but that position was unlike the one of this committee from New York. The gentleman from Boston, in behalf of those whom he represented, started out with a condemnation of what he, the PRESIDENT, had always believed to be right. Speaking as if he were wrong, they opposed the purchase of United States bonds with a surplus from the United States Treasury; and if he had asked the Boston committee what he should do, he would have kept such surplus in the Treasury until there was not a greenback in circulation. These bonds were purchased at his own direction. Another argument was used in the Boston memorial, that the issue of greenbacks was of doubtful legality, and was to be deplored, and had been sustained by a bare majority of one, of the Supreme Court, as a war measure. In conclusion, the PRESIDENT repeated that his views on this question were already known as against inflation, and as opposed to breaking away from the redemption of pledges.

Correspondence with Senator Jones of Nevada.

UNITED STATES SENATE CHAMBER,
WASHINGTON, *June* 4, 1874.

To the President:

I was so deeply impressed by the clearness and wisdom of the financial views (some of which you had fortunately reduced to writing) recently expressed by you in a conversation in which I had the honor, with a few others, to be a participant, that I cannot dismiss them from my mind. The great diversity of ideas upon this subject, and the fact that public opinion concerning the same is still in process of formation lead me to believe that the publication of these views would be productive of great good. I venture therefore to request of you that I have a copy of the written memorandum to which I have alluded, with your permission, that it may be made public.

I have the honor to be, very respectfully, your obedient servant, JOHN P. JONES.

THE PRESIDENT'S REPLY.

EXECUTIVE MANSION,
WASHINGTON, D. C., *June* 4, 1874.

DEAR SIR: Your note of this date, requesting a copy of a memorandum which I had prepared, expressive of my views upon the financial question, and which you, with others, had heard read, is received, but at too late an hour to comply to-night. I will, however, take great pleasure in furnishing you a copy in the morning as soon as I can have it copied.

It is proper that I should state that these views were reduced to writing, because I had been consulted on this question, not only by some members of the conference committee, but by many other members of Congress. To avoid any and all possibility of misunderstanding, I deemed this course both justifiable and proper.

With this explanation, I inclose you herewith the memorandum referred to.

Very respectfully, U. S. GRANT.

Hon. J. P. JONES, *United States Senate.*

Memorandum of Views entertained on the subject of desirable Legislation on Finance.

I believe it a high and plain duty to return to a specie basis at the earliest practical day, not only in compliance with legislative and party pledges, but as a step indispensable to national lasting prosperity. I believe further that the time has come when this can be done, or at least begun, with less embarrassment to every branch of industry than at any future time, after resort has been had to unstable and temporary expedients to stimulate unreal prosperity and speculation on basis other than coin, the recognized medium of exchange throughout the commercial world. The particular mode selected to bring about a restoration of the specie standard is not of so much consequence as that some adequate plan be devised, the time fixed when currency shall be exchanged for coin at par, and the plan adopted rigidly adhered to.

It is not probable that any legislation suggested by me would prove acceptable to both branches of Congress, and indeed, full discussion might shake my own faith in the details of any plan I might propose. I will, however, venture to state the general features of the action which seems to me advisable in the financial platform on which I would stand, any departure from which would be in a spirit of concession and harmony in deference to conflicting opinions.

First. I would like to see the "legal tender clause," so-called, repealed, the repeal to take effect at a future time, say July 1, 1875. This would cause all contracts made after that date for wages, sale, &c., to be estimated in coin. It would correct our notions of values. The specie dollar would be the only dollar known as the measure of equivalents. When debts afterwards contracted were paid in currency, instead of calling the paper dollar a dollar, and quoting gold at so much premium, we should think and speak of paper as at so much discount. This alone would aid greatly in bringing the two currencies nearer together at par.

Second. I would like to see a provision that at a fixed day, say July 1, 1876, the currency issued by the United States should be redeemed in coin on presentation to any assistant treasurer, and that all currency so redeemed should be canceled and never be reissued. To effect this it would be necessary to authorize the issue of bonds payable in gold, bearing such interest as would command par in gold, to be put out by the treasury only in such sums as should from time to time be needed for the purpose of redemption. Such legislation would insure a return to sound financial principles in two years, and would, in my judgment, work less hardship to the debtor interest than is likely to come from putting off the day of final reckoning.

It must be borne in mind, too, that the creditor interest had its day of disadvantage also, when our present financial system was brought in by the supreme needs of the nation at the time. I would further provide that from and after the date fixed for redemption, no bill, whether of national banks or of the United States, returned to the treasury to be exchanged for new bills, should be replaced by bills of less denomination than ten dollars; and that, in one year after resumption, all bills of less than five dollars should be withdrawn from circulation, and in two years all bills of less than ten dollars should be withdrawn. The advantage of this would be strength given to the country against time of depression resulting from war, failure of crops, or any other cause, by keeping always in the hands of the people a large supply of the precious metals. With all smaller transactions conducted in coin, many millions of it would be kept in constant use, and of course prevented from leaving the country. Undoubtedly a poorer currency will always drive the better out of circulation. With paper a legal tender, and at a discount, gold and silver become articles of merchandise as much as wheat or cotton. The surplus will find the best market it can.

With small bills in circulation there is no use for coin except to keep it in the vaults of banks to redeem circulation. During periods of great speculation and apparent prosperity there is little demand for coin, and then it will flow out to a market when it can be made to earn something, which it cannot do while lying idle.

Gold, like anything else, when not needed becomes a surplus, and, like every other surplus, it seeks a market where it can find one. By giving active employment to coin, however, its presence can, it seems to me, be secured, and the panics and depressions which have occurred periodically in times of nominal specie payments, if they cannot be wholly prevented, can at least be greatly mitigated. Indeed, I question whether it would have been found necessary to depart from the standard of specie in the trying day which gave birth to the first legal tender act had the country taken the ground of "no small bills" as early as 1850.

Again, I would provide an excess of revenue over current expenditures. I would do this by rigid economy and by taxation where taxation can best be borne. Increased revenue would work a constant reduction of debt and interest, and would provide coin to meet demands on the Treasury for the redemption of its notes, thereby

diminishing the amount of bonds needed for that purpose. All taxes, after resumption, begins, should be paid in coin or United States notes.

This would force redemption on the national banks.

With measures like these, or measures which would work out such results, I see no danger in authorizing free banking without limit.

Interview with a Delegation from South Carolina.

[From the National Republican, March 28, 1874.]

THE PRESIDENT, in response, said that he very much deplored the condition of affairs in South Carolina, and that he had occasion in the past to speak with reference to a somewhat similar condition of affairs in Louisiana; but since the government of the State was complete, independent, and sovereign, he could not undertake to say that either the administrative or the legislative department of the General Government would avail in effecting any change. Much of the existing condition was, perhaps, due to a sentiment stimulated by the gentlemen present. They had, by their inaction, possibly stimulated the formation of the very party of which complaint was made. Still, the cause belonged to the results, the passions the natural offshoots of war, and he did not fail to recognize the cogency of the arguments submitted.

It was not prudent, however, for him to take official action in the premises immediately, or to commit himself to any line of policy.

In conclusion, the President said that, speaking from an individual standpoint, he had occasion to feel much chagrin at one of the speeches that had been made in the tax-payers' convention of South Carolina, because it contained much that was false, and it had abstracted somewhat from the general sympathy which otherwise he might have freely expressed.

Several members of the delegation here followed with statements that the speech referred to had not been made as represented on the floor of the convention, but had been garbled by the partisan press of the State, and made to subserve a purpose for which it was not designed.

The disclaimers of the delegation, generally and generously made, apparently mollified the PRESIDENT, and the body left, if not with a promise for their future, at least with hopes that something may yet be done for their State.

On "Civil Rights."

1872, DECEMBER 10—The Louisiana delegation to the National Civil Rights Convention visited PRESIDENT GRANT in a body, and were introduced by Senator West. In presenting the delegation the Senator remarked that its members embraced many of the intelligent working republicans in the State. He then introduced Colonel James Lewis, who proceeded to address the President, and said the delegation came to pay their respects and thank him on behalf of the colored people of Louisiana for the care and protection they have received from him since his presidential term commenced. He hoped that he might long enjoy the blessing of good health, and that the colored men might continue to receive his kind consideration and care.

The President responded by saying that he was glad to meet them. He had always endeavored to secure for the colored men all the rights which should accompany enfranchisement. Certain rights are still withheld, but he hoped that ere long they would find themselves in possession of all the privileges which belong to freemen. He said he did not know what Congress would do in the matter, but he thought it likely that that body would, at its present session, pass a civil rights bill, and that if such a bill is defeated it will probably be because an extreme measure is urged by some person who claims to be a particular friend of the colored man.

On the Duties of "Decoration Day."

EXECUTIVE MANSION,
WASHINGTON, D. C., *May* 19, 1874.

DEAR CAPTAIN: I have your favor to me of the 10th inst., and have laid it before the PRESIDENT, as you requested. He approves of the resolution inviting the co-operation of those who were opposed to us during the late war in the decoration of the graves of those who heroically fell on both sides; and believes that the time has come when every evidence of such a feeling of fraternal interest should be encouraged, and advantage taken of every opportunity to bury deeper any animosity born of the late war that may yet be lingering.

Very respectfully, your obedient servant,
WM. H. CROOK.

To Capt. W. C. SPENCER, *Baltimore, Md.*

Relative to the Louisiana Sufferers.

EXECUTIVE DEPARTMENT,
STATE OF LOUISIANA,
NEW ORLEANS, LA., *April* 17, 1874.

President U. S. GRANT:

The unprecedented rise in the Mississippi, aided by violent local storms, has caused a most disastrous overflow. Six or seven of the largest parishes of the State are already under water, and thousands of people, white and black, are without food and shelter, and in danger of starvation. The emergency is so great that I feel constrained to appeal to you directly, asking the General Government, if possible, to extend to these poor people the same relief that was given to the scarcely more disastrous calamity at Chicago.

W. P. KELLOGG,
Governor of Louisiana.

EXECUTIVE MANSION,
WASHINGTON, D. C., *April* 17, 1874.

Governor W. P. KELLOGG, New Orleans, La.:

Your dispatch of this date asking aid for the sufferers by the disastrous overflow of the lower Mississippi is received. Congress being in session at this time, I do not feel authorized to order Government aid, as I did in the case of suffering from yellow fever at Shreveport and Memphis last summer, and in the case of the burning of Chicago two years ago, without authority of Congress. I will, however, send your dispatch to the Louisiana delegation, and if a resolution is passed by Congress authorizing it I will exert every authorized means to avert suffering from the disaster which has overtaken the citizens of Louisiana.

U. S. GRANT.

XI.

PRESIDENT GRANT'S SPECIAL AND VETO MESSAGES.

Vetoing the Bill for the Relief of the East Tennessee University, January 29, 1873.

To the Senate of the United States:

I have the honor to return herewith Senate bill number 490, entitled "An act for the relief of the East Tennessee University," without my approval.

This claim, for which $18,500 are appropriated out of the moneys of the United States, arises in part for the destruction of property by troops in time of war, and therefore the same objections attach to it as were expressed in my message of June 1, 1872, returning the Senate bill awarding $25,000 to J. Milton Best.

If the precedent is once established that the Government is liable for the ravages of war, the end of demands upon the public Treasury cannot be forecast.

The loyalty of the people of the section in which the university is located, under circumstances of personal danger and trials, thus entitling them to the most favorable construction of the obligation of the Government toward them, is admitted; and nothing but regard for my duty to the whole people, in opposing a principle which, if allowed, will entail greater burdens upon the whole than the relief which will be afforded to a part, by allowing this bill to become a law, could induce me to return it with objections.

Recognizing the claims of these citizens to sympathy, and the most favorable consideration of their claims by the Government, I would heartily favor a donation of the amount appropriated by this bill for their relief.

U. S. GRANT.

NOTE.—A bill (S. 110) passed both Houses of Congress at the late session, and became a law, appropriating eighteen thousand and five hundred dollars, "in full compensation for aid given by and on behalf of said East Tennessee University to the army of the United States in the late war of the rebellion."—EDITOR.

Vetoing the Bill for the Relief of Sufferers from the Destruction of the Manchester (Kentucky) Salt Works, February 11, 1873.

To the Senate of the United States:

I return herewith, without my approval, Senate bill No. 161, entitled "An act for the relief of those suffering from the destruction of salt works near Manchester, Kentucky, pursuant to the order of Major General Carlos Buell."

All the objections made by me to the bill for the relief of J. Milton Best,* and also of the East Tennessee University, apply with equal force to this bill.

According to the official report of Brigadier General Craft, by whose immediate command the property in question was destroyed, there was a large rebel force in the neighborhood who were using the salt works, and had carried away a considerable quantity of salt, and were preparing to take more, as soon as the necessary transportation could be procured; and he further states "that the leaders of the rebellion calculated upon their supply of salt to come from these works," and that in his opinion their destruction was a military necessity. I understand him to say, in effect, that the salt works were captured from the rebels, that it was impracticable to hold them, and that they were demolished, so as to be of no further use to the enemy.

I cannot agree that the owners of property destroyed under such circumstances are entitled to compensation therefor from the United States. Whatever other view may be taken of the subject, it is incontrovertible that these salt works were destroyed by the Union army while engaged in regular military operations, and that the sole object of their destruction was to weaken, cripple, or defeat the armies of the so-called Southern Confederacy.

I am greatly apprehensive that the allowance of this claim could and would be construed into the recognition of a principle binding the United States to pay for all property which their military forces destroyed in the late war for the Union. No liability by the Government to pay for property destroyed by the Union forces in conducting a battle or siege has yet been claimed; but the precedent proposed by this bill leads directly and strongly in that direction, for it is difficult, upon any ground of reason or justice, to distinguish between a case of that kind and the one under consideration. Had General Craft and his command destroyed the salt works by shelling out the enemy found in their actual occupancy, the case would not have been different in principle from the one presented in this bill. What possible difference can it make in the rights of owners or the obligations of the Government whether the destruction was in driving the enemy out or in keeping them out of the possession of the salt works?

This bill does not present a case where private property is taken for public use in any sense of the Constitution. It was not taken from the owners, but from the enemy; and it was not then used by the Government, but destroyed. Its destruction was one of the casualties of war, and, though not happening in actual conflict, was perhaps as disastrous to the rebels as would have been a victory in battle.

Owners of property destroyed to prevent the spread of a conflagration, as a general rule, are not entitled to compensation therefor; and for reasons equally strong the necessary destruction of property found in the hands of the public enemy, and constituting a part of their military supplies, does not entitle the owner to indemnity

*For this message, see McPherson's Hand-Book of Politics for 1872, p. 32.

from the Government for damages to him in that way.

I fully appreciate the hardship of the case, and would be glad if my convictions of duty allowed me to join in the proposed relief. But I cannot consent to the doctrine which is found in this bill, as it seems to me, by which the national Treasury is exposed to all claims for property injured or destroyed by the armies of the United States in the late protracted and destructive war in this country. U. S. GRANT.

Calling the attention of Congress to the condition of affairs in Utah Territory, February 14, 1873.

To the Senate and House of Representatives:

I consider it my duty to call the attention of Congress to the condition of affairs in the Territory of Utah, and to the dangers likely to arise, if it continues during the coming recess, from a threatened conflict between the Federal and territorial authorities.

No discussion is necessary in regard to the general policy of Congress respecting the Territories of the United States, and I only wish now to refer to so much of that policy as concerns their judicial affairs and the enforcement of law within their borders.

No material differences are found in respect to these matters in the organic acts of the Territories, but an examination of them will show that it has been the invariable policy of Congress to place and keep their civil and criminal jurisdiction, with certain limited exceptions, in the hands of persons nominated by the President and confirmed by the Senate, and that the general administration of justice should be as prescribed by congressional enactment. Sometimes the power given to the territorial Legislatures has been somewhat larger and sometimes somewhat smaller than the powers generally conferred. Never, however, have powers been given to a territorial Legislature inconsistent with the idea that the general judicature of the Territory was to be under the direct supervision of the National Government.

Accordingly, the organic law creating the Territory of Utah, passed September 9, 1850, provided for the appointment of a supreme court, the judges of which are judges of the district courts, a clerk, a marshal, and an attorney, and to these Federal officers is confided jurisdiction in all important matters; but, as decided recently by the Supreme Court, the act requires jurors to serve in these courts to be selected in such manner as the territorial Legislature sees fit to prescribe. It has undoubtedly been the desire of Congress, so far as the same might be compatible with the supervisory control of the territorial government, to leave the minor details connected with the administration of law to regulation by local authority; but such a desire ought not to govern when the effect will be, owing to the peculiar circumstances of the case, to produce a conflict between the Federal and the territorial authorities, or to impede the enforcement of law, or in any way to endanger the peace and good order of the Territory.

Evidently it was never intended to entrust the territorial Legislature with power which would enable it, by creating judicatures of its own, or increasing the jurisdiction of courts appointed by territorial authority, although recognized by Congress, to take the administration of the law out of the hands of the judges appointed by the President or to interfere with their action.

Several years of unhappy experience make it apparent that, in both of these respects, the Territory of Utah requires special legislation by Congress. Public opinion in that Territory, produced by circumstances too notorious to require further notice, makes it necessary, in my opinion, in order to prevent the miscarriage of justice, and to maintain the supremacy of the laws of the United States and of the Federal Government, to provide that the selection of grand and petit jurors for the district courts, if not put under the control of Federal officers, shall be placed in the hands of persons entirely independent of those who are determined not to enforce any act of Congress obnoxious to them, and also to pass some act which shall deprive the probate courts, or any court created by the territorial Legislature, of any power to interfere with or impede the action of the courts held by the United States judges.

I am convinced that, so long as Congress leaves the selection of jurors to the local authorities, it will be futile to make any effort to enforce laws not acceptable to a majority of the people of the Territory, or which interferes with local prejudices or provides for the punishment of polygamy, or any of its affiliated vices or crimes.

I presume that Congress, in passing upon this subject, will provide all reasonable and proper safeguards to secure honest and impartial jurors, whose verdicts will command confidence, and be a guarantee of equal protection to all good and law-abiding citizens, and at the same time make it understood that crime cannot be committed with impunity. I have before said that, while the laws creating the several Territories have generally contained uniform provisions in respect to the judiciary, yet Congress has occasionally varied these provisions in minor details, as the circumstances of the Territory affected seem to demand, and in creating the Territory of Utah Congress evidently thought that circumstances there might require judicial remedies not necessary in other Territories; for, by section nine of the act creating that Territory, it is provided that a writ of error may be brought from the decision of any judge of the Supreme or District Courts of the Territory to the Supreme Court of the United States upon any writ of *habeas corpus*, involving the question of personal freedom—a provision never inserted in any other territorial act except that creating the Territory of New Mexico.

This extraordinary provision shows that Congress intended to mold the organic law to the peculiar necessities of the Territory, and the legislation which I now recommend is in full harmony with the precedent thus established.

I am advised that United States courts in Utah have been greatly embarrassed by the action of the territorial Legislature in conferring criminal jurisdiction and the power to issue writs of *habeas corpus* on probate courts in the Territory,

and by their consequent interference with the administration of justice.

Manifestly the Legislature of the Territory cannot give to any court whatever the power to discharge by *habeas corpus* persons held by or under process from the courts created by Congress, but complaint is made that persons so held have been discharged in that way by the probate courts.

I cannot doubt that Congress will agree with me that such a state of things ought not longer to be tolerated, and that no class of persons anywhere should be allowed to treat the laws of the United States with open defiance and contempt.

Apprehensions are entertained that if Congress adjourns without any action upon this subject turbulence and disorder will follow, rendering military interference necessary, a result I should greatly deprecate. And in view of this and other obvious considerations, I earnestly recommend that Congress, at the present session, pass some act which will enable the district courts of Utah to proceed with independence and efficiency in the administration of law and justice.

U. S. GRANT.

Calling attention to matters connected with the Treaty of Washington and the Fisheries, February 24, 1873.

To the Senate and House of Representatives:

In my annual message to Congress at the opening of the second session of the present Congress, in December, 1871, I recommended the legislation necessary on the part of the United States to bring into operation the articles of the treaty of Washington of May 8, 1871, relative to the fisheries, and to other matters touching the relations of the United States toward the British North American possessions, to become operative so soon as the proper legislation should be had on the part of Great Britain and its possessions. That legislation on the part of Great Britain and its possessions had not then been had.

Having, prior to the meeting of Congress in December last, received official information of the consideration by Great Britain and its possessions of the legislation necessary on their part to bring those articles into operation, I communicated that fact to Congress in my annual message at the opening of the present session, and renewed the recommendation for your early adoption of the legislation in the same direction necessary on the part of this Government.

The near approach of the end of the session induces me again to urgently call attention to the importance of this legislation on the part of Congress.

It will be remembered that the treaty of Washington resulted from an overture on the part of Great Britain to treat with reference to the fisheries on the coast of Her Majesty's possessions in North America, and other questions between them affecting the relations of the United States toward these possessions. To this overture a reply was made on the part of this Government that, while appreciating the importance of a friendly and complete understanding between the two governments with reference to the subject specially suggested by the British government, it was thought that the removal of the differences growing out of what are generically known as the "Alabama" claims was essential to the restoration of cordial and amicable relations between the two governments, and the assent of this Government to treat on the subject of the fisheries was made dependent on the assent of Great Britain to allow the joint commission, which it had prepared on the questions suggested by that government, to treat also and settle the differences growing out of the "Alabama" claims.

Great Britain assented to this, and the treaty of Washington proposed a settlement of both classes of questions.

Those relating to the Alabama claims and to the northwestern water boundary, commonly known as the San Juan question, have been disposed of in pursuance of the terms of the treaty.

Those relating to the fisheries were made by the terms of the treaty to depend upon the legislation which the constitutions of the respective governments made necessary to carry those provisions into effect.

Great Britain and her possessions have on their part enacted the necessary legislation.

This Government is now enjoying the advantages of those provisions of the treaty which were the result of the condition of its assent to treat upon the questions which Great Britain had submitted.

The tribunal at Geneva has made an award in favor of the United States on the Alabama claims, and His Majesty the Emperor of Germany has decided in favor of the contention of the United States on the northwestern boundary line.

I cannot urge too strongly the importance of your early consideration of the legislation that may be necessary on the part this Government.

In addition to the claim that Great Britain may have upon the good faith of this Government to consider the legislation necessary in connection with the questions which that government presented as the subject of a negotiation which has resulted so favorably to this Government upon the other questions in which the United States felt so much interest, it is of importance that the rights of the American fishermen, as provided for under the treaty, should be determined before the now approaching fishing season opens, and that the serious difficulties to the fishing interests and the grave questions between the two governments that may arise therefrom be averted.

U. S. GRANT.

Calling attention to the condition of affairs in the State of Louisiana, February 25, 1873.

To the Senate and House of Representatives:

Your attention is respectfully invited to the condition of affairs in the State of Louisiana.

Grave complications have grown out of the election there on the 6th of November last, chiefly attributable, it is believed, to an organized attempt on the part of those controlling the

election officers and returns to defeat in that election the will of a majority of the electors of the State. Different persons are claiming the executive offices, two bodies are claiming to be the Legislative Assembly of the State, and the confusion and uncertainty produced in this way fall with paralyzing effect upon all its interests.

Controversy arose as soon as the election occurred over its proceedings and results, but I declined to interfere until suit, involving this controversy to some extent, was brought in the circuit court of the United States, under and by virtue of the act of May 31, 1870, entitled "An act to enforce the right of citizens of the United States to vote in the several States of the Union, and for other purposes."

Finding that resistance was made to judicial process in that suit, without any opportunity, and, in my judgment, without any right to review the judgment of the court upon the jurisdictional or other questions arising in the case, I directed the United States marshal to enforce such process, and to use, if necessary, troops for that purpose, in accordance with the thirteenth section of said act, which provides that "it shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to aid in the execution of judicial process under this act."

Two bodies of persons claimed to be the returning board for the State, and the circuit court in that case decided that the one to which Lynch belonged, usually designated by his name, was the lawful returning board, and this decision has been repeatedly affirmed by the district and the Supreme Courts of the State. Having no opportunity or power to canvass the votes, and the exigencies of the case demanding an immediate decision, I conceived it to be my duty to recognize those persons as elected who received and held their credentials to office from what then appeared to me to be, and has since been decided by the Supreme Court of the State to be, the legal returning board.

Conformably to the decisions of this board a full set of State officers has been installed and a Legislative Assembly organized, constituting, if not a *de jure*, at least a *de facto* government, which, since some time in December last, has had possession of the offices, and been exercising the usual powers of government. But opposed to this has been another government claiming to control the affairs of the State, and which has, to some extent, been *pro forma* organized.

Recent investigation into said election has developed so many frauds and forgeries as to make it doubtful what candidates received a majority of the votes actually cast, and in view of these facts a variety of action has been proposed. I have no specific recommendation to make upon the subject; but if there is any practical way of removing these difficulties by legislation, then I earnestly request that such action may be taken at the present session of Congress.

It seems advisable that I should state now what course I shall feel bound to pursue in reference to the matter in the event of no action by Congress at this time.* Subject to any satisfactory arrangement that may be made by the parties to the controversy, which, of all things, is the most desirable, it will be my duty, so far as it may be necessary for me to act, to adhere to that government heretofore recognized by me. To judge of the election and qualification of its members is the exclusive province of the Senate, as it is also the exclusive province of the House to judge of the election and qualifications of its members; but as to State offices, filled and held under State laws, the decisions of the State judicial tribunals, it seems to me, ought to be respected.

I am extremely anxious to avoid any appearance of undue interference in State affairs, and if Congress differs from me as to what ought to be done, I respectfully urge its immediate decision to that effect. Otherwise I shall feel obliged as far as I can by the exercise of legitimate authority, to put an end to the unhappy controversy which disturbs the peace and prostrates the business of Louisiana, by the recognition and support of that government which is recognized and upheld by the courts of the State.

U. S. GRANT.

Transmitting the Report of the Centennial Commissioners, February 25, 1874.

To the Senate and House of Representatives:

I have the honor herewith to submit the report of the Centennial Commissioners, and to add a word in the way of recommendation.

There have now been international expositions held by three of the great powers of Europe. It seems fitting that the one hundredth anniversary of our independence should be marked by an event that will display to the world the growth and progress of a nation devoted to freedom, and to the pursuit of fame, fortune, and honors by the lowest citizen as well as the highest. A failure in this enterprise would be deplorable. Success can be assured by arousing public opinion to the importance of the occasion.

To secure this end, in my judgment, congressional legislation is necessary to make the exposition both national and international.

The benefits to be derived from a successful international exposition are manifold. It will necessarily be accompanied by expenses beyond the receipts from the exposition itself, but they will be compensated for many-fold by the commingling of people from all sections of our own country; by bringing together the people of different nationalities; by bringing into juxtaposition, for ready examination, our own and foreign skill and progress in manufactures, agriculture, art, science, and civilization.

*No action was taken. In Senate a bill (S. 1621) was considered "to establish a government in the State of Louisiana," February 27, 1873. On the 28th it was, after amendment, defeated—yeas 18, nays 20:

YEAS—Messrs. Anthony, Carpenter, Corbett, Cragin, Ferry of Michigan, Frelinghuysen, Gilbert, Hamlin, Howe, Logan, *Machen*, Osborn, Ramsey, Sawyer, Sherman, Sprague, Stewart, Wilson—18.

NAYS—Messrs. *Bayard*, Boreman, *Casserly*, Clayton, Conkling, *Cooper*, *Davis*, Flanagan, *Hamilton* of Maryland, Harlan, *Johnston*, *Kelly*, Lewis, Morton, *Norwood*, *Saulsbury*, *Stockton*, *Thurman*, TRUMBULL, West—20.

Mr. DAVIS moved to reconsider this vote, and March 1 a motion to table the motion to reconsider was lost—yeas 26, nays 28, and, after further debate, agreed to—yeas 29, nays 28.

The selection of the site for the exposition seems to me appropriate, from the fact that one hundred years before the date fixed for the exposition the Declaration of Independence, which launched us into the galaxy of nations as an independent people, emanated from the same spot.

We have much in our varied climate, soil, mineral products, and skill, of which advantage can be taken by other nationalities to their profit. In return they will bring to our shores works of their skill, and familiarize our people with them, to the mutual advantage of all parties.

Let us have a complete success in our Centennial Exposition, or suppress it in its infancy, acknowledging our inability to give it the international character to which our self-esteem aspires.

U. S. GRANT.

Transmitting the Report of the Civil Service Commission, April 18, 1874.

To the Senate and House of Representatives:

Herewith I transmit the report of the civil service commission authorized by the act of Congress of March 3, 1871, and invite your special attention thereto.

If sustained by Congress, I have no doubt the rules can, after the experience gained, be so improved and enforced as to still more materially benefit the public service and relieve the Executive, members of Congress, and the heads of Departments from influences prejudicial to good administration.

The rules, as they have heretofore been enforced, have resulted beneficially, as is shown by the opinions of the members of the Cabinet and their subordinates in the Departments, and in that opinion I concur; but rules applicable to officers who are to be appointed by and with the advice and consent of the Senate are in great measure impracticable, except in so far as they may be sustained by the action of that body. This must necessarily remain so unless the direct sanction of the Senate is given to the rules.

I advise for the present only such appropriation as may be adequate to continue the work in its present form, and would leave to the future to determine whether the direct sanction of Congress should be given to rules that may perhaps be devised for regulating the method of selection of appointees, or a portion of them, who need to be confirmed by the Senate.

The same amount appropriated last year would be adequate for the coming year, but I think the public interest would be promoted by authority in the Executive for allowing a small compensation for special service performed beyond usual office hours under the act of 1871 to persons already in the service of the Government.

U. S. GRANT.

Vetoing the Senate Currency Bill, April 22, 1874.

To the Senate of the United States:

Herewith I return Senate bill No. 617, entitled "An act to fix the amount of United States notes and the circulation of national banks, and for other purposes," without my approval.

In doing so I must express my regret at not being able to give my assent to a measure which has received the sanction of a majority of the legislators chosen by the people to make laws for their guidance, and I have studiously sought to find sufficient arguments to justify such assent, but unsuccessfully.

Practically, it is a question whether the measure under discussion would give an additional dollar to the irredeemable paper currency of the country or not, and whether, by requiring three-fourths of the reserves to be retained by the banks, and prohibiting interest to be received on the balance, it might not prove a contraction.

But the fact cannot be concealed that theoretically the bill increases the paper circulation $100,000,000, less only the amount of reserves restrained from circulation by the provision of the second section. The measure has been supported on the theory that it would give increased circulation. It is a fair inference, therefore, that if in practice the measure should fail to create the abundance of circulation expected of it, the friends of the measure, particularly those out of Congress, would clamor for such inflation as would give the expected relief.

The theory, in my belief, is a departure from true principles of finance, national interest, national obligations to creditors, congressional promises, party pledges, on the part of both political parties, and of personal views and promises made by me in every annual message sent to Congress, and in each inaugural address.*

In my annual message to Congress in December, 1869, the following passages appear:

"Among the evils growing out of the rebellion, and not yet referred to, is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is a duty, and one of the highest duties of Government, to secure to the citizen a medium of exchange of fixed, unvarying value. This implies a return to a specie basis, and no substitute for it can be devised. It should be commenced now, and reached at the earliest practicable moment consistent with a fair regard to the interests of the debtor class. Immediate resumption, if practicable, would not be desirable. It would compel the debtor class to pay, beyond their contracts, the premium on gold at the date of their purchase, and would bring bankruptcy and ruin to thousands. Fluctuation, however, in the paper value of the measure of all values (gold) is detrimental to the interests of trade. It makes the man of business an involuntary gambler; for in all sales where future payment is to made, both parties speculate as to what will be the value of the currency to be paid and received. I earnestly recommend to you, then, such legislation as will insure a gradual return to specie payments and put an immediate stop to fluctuations in the value of currency."

I still adhere to the views then expressed.

As early as December 4,† 1865, the House of Representatives passed a resolution, by a vote of 144 yeas to 6 nays, concurring "in the views

*For President Grant's first inaugural, see McPherson's Reconstruction, p. 416; first annual, (1869,) p. 533; second annual, McPherson's Hand-Book for 1872, p. 16; third annual, p. 23.

†This resolution passed December 18. See note appended.

of the Secretary of the Treasury in relation to the necessity of a contraction of the currency with a view to as early a resumption of specie payments as the business interests of the country will permit," and pledging "co-operative action to this end as speedily as possible."

The first act passed by the Forty-First Congress, on the 18th day of March, 1869, was as follows:

*AN ACT to strengthen the public credit of the United States.

Be it enacted, &c., That in order to remove any doubt as to the purpose of the Government to discharge all its obligations to the public creditors, and to settle conflicting questions and interpretations of the law, by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States and of all the interest-bearing obligations, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money, or in other currency than gold and silver; but none of the said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such times as the United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at *par* in coin. And the United States also solemnly pledges its faith to make provision, at the earliest practical period, for the redemption of the United States notes in coin.

This act still remains as a continuing pledge of the faith of the United States "to make provision, at the earliest practicable moment, for the redemption of the United States notes in coin."

A declaration contained in the act of June 30, 1864,† created an obligation that the total amount of United States notes issued or to be issued should never exceed four hundred millions of dollars. The amount in actual circulation was actually reduced to three hundred and fifty-six millions of dollars,‡ at which point Congress passed the act of February 4, 1868, § suspending the further reduction of the currency. The forty-four millions have ever been regarded as a reserve, ‖ to be used only in case of emergency, such as has occurred on several occasions, and must occur when, from any cause, revenues suddenly fall below expenditures; and such a reserve is necessary, because the fractional currency, amounting to fifty millions, is redeemable in legal-tender on call. It may be said that such a return of fractional currency for redemption is impossible. But let steps be taken for a return to a specie basis, and it will be found that silver will take the place of fractional currency as rapidly as it can be supplied, when the premium on gold reaches a sufficiently low point.

With the amount of United States notes to be issued, permanently fixed within proper limits, and the Treasury so strengthened as to be able to redeem them in coin on demand, it will then be safe to inaugurate a system of free banking, with such provisions as to make compulsory redemption of the circulating-notes of the banks in coin, or in United States notes, themselves redeemable and made equivalent to coin.

As a measure preparatory to free banking, and for placing the Government in a condition to redeem its notes in coin "at the earliest practicable moment," the revenues of the country should be increased so as to pay current expenses, provide for the sinking fund required by law, and also a surplus, to be retained in the Treasury, in gold.

I am not a believer in any artificial method of making paper money equal to coin when the coin is not owned or held ready to redeem the promises to pay; for paper money is nothing more than promises to pay, and is valuable exactly in proportion to the amount of coin that it can be converted into. While coin is not used as a circulating medium, or the currency of the country is not convertible into it at par, it becomes an article of commerce as much as any other product. The surplus will seek a foreign market, as will any other surplus. The balance of trade has nothing to do with the question. Duties on imports being required in coin *creates a limited demand for gold. About enough to satisfy that demand remains in the country. To increase this supply I see no way open but by the Government hoarding, through the means above given, and possibly by requiring the national banks to aid.

It is claimed by the advocates of the measure herewith returned that there is an unequal distribution of the banking capital of the country. I was disposed to give great weight to this view of the question at first, but on reflection it will be remembered that there still remain four millions of dollars of authorized bank-note circulation, assigned to States having less than their quota, not yet taken.† In addition to this the States having less than their quota of bank circulation have the option of twenty-five millions more to be taken from those States having more than their proportion. When this is all taken up, or when specie payments are fully restored, or are in rapid process of restoration, will be the time to consider the question of "more currency."

U. S. GRANT.

Notes by the Editor.

The following record of votes from 1862 to 1868, inclusive, has been prepared in order to show the precise action of Congress, to which reference is made by the PRESIDENT, in his various financial papers.

Note A.—The "Legal Tender" and "Sinking Fund" Act, 1862, Thirty-Seventh Congress, Second Session.

AN ACT to authorize the issue of United States notes, and for the redemption or funding

*For votes on this act see McPherson's Reconstruction, p. 412. See note appended.

†For votes on this, see notes appended.—ED.

‡In pursuance of act of April 12, 1866, for which and votes, see notes appended.—ED.

§For votes on this, see notes appended.—ED.

‖For argument *pro* and *con*, see notes appended.—ED.

*See note appended.—ED. †See notes appended.—ED.

thereof, and for funding the floating debt of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to issue, on the credit of the United States, one hundred and fifty millions of dollars of United States notes, not bearing interest, payable to bearer, at the Treasury of the United States, and of such denominations as he may deem expedient, not less than five dollars each: *Provided, however*, That fifty millions of said notes shall be in lieu of the demand Treasury notes authorized to be issued by the act of July seventeen, eighteen hundred and sixty-one; which said demand notes shall be taken up as rapidly as practicable, and the notes herein provided for substituted for them: *And provided further*, That the amount of the two kinds of notes together shall at no time exceed the sum of one hundred and fifty millions of dollars, and such notes herein authorized shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States, except duties on imports, and of all claims and demands against the United States of every kind whatsoever, except for interest upon bonds and notes, which shall be paid in coin, and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid. And any holders of said United States notes depositing any sum not less than fifty dollars, or some multiple of fifty dollars, with the Treasurer of the United States, or either of the Assistant Treasurers, shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of six per centum per annum, payable semi-annually, and redeemable at the pleasure of the United States after five years, and payable twenty years from the date thereof. And such United States notes shall be received the same as coin, at their par value, in payment for any loans that may be hereafter sold or negotiated by the Secretary of the Treasury, and may be re-issued from time to time as the exigencies of the public interests shall require.

SEC. 2. That to enable the Secretary of the Treasury to fund the Treasury notes and floating debt of the United States, he is hereby authorized to issue, on the credit of the United States, coupon bonds, or registered bonds, to an amount not exceeding five hundred millions of dollars, redeemable at the pleasure of the United States after five years, and payable twenty years from date, and bearing interest at the rate of six per centum per annum, payable semi-annually. And the bonds herein authorized shall be of such denominations, not less than fifty dollars, as may be determined upon by the Secretary of the Treasury. And the Secretary of the Treasury may dispose of such bonds at any time at the market value thereof, for the coin of the United States, or for any of the Treasury notes that have been, or may hereafter be, issued under any former act of Congress, or for United States notes that may be issued under the provisions of this act; and all stocks, bonds, and other securities of the United States held by individuals, corporations, or associations, within the United States, shall be exempt from taxation by or under State authority.

SEC. 3. That the United States notes and the coupon or registered bonds authorized by this act shall be in such form as the Secretary of the Treasury may direct, and shall bear the written or engraved signatures of the Treasurer of the United States and the Register of the Treasury, and also, as evidence of lawful issue, the imprint of a copy of the seal of the Treasury Department, which imprint shall be made under the direction of the Secretary, after the said notes or bonds shall be received from the engravers and before they are issued; or the said notes and bonds shall be signed by the Treasurer of the United States, or for the Treasurer by such persons as may be specially appointed by the Secretary of the Treasury for that purpose, and shall be countersigned by the Register of the Treasury, or for the Register by such persons as the Secretary of the Treasury may specially appoint for that purpose; and all the provisions of the act entitled "An act to authorize the issue of treasury notes," approved the twenty-third day of December, eighteen hundred and fifty-seven, so far as they can be applied to this act, and not inconsistent therewith, are hereby revived and re-enacted; and the sum of three hundred thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry this act into effect.

SEC. 4. That the Secretary of the Treasury may receive from any person or persons, or any corporation, United States notes on deposit for not less than thirty days, in sums of not less than one hundred dollars, with any of the assistant treasurers or designated depositaries of the United States authorized by the Secretary of the Treasury to receive them, who shall issue therefor certificates of deposit, made in such form as the Secretary of the Treasury shall prescribe, and said certificates of deposit shall bear interest at the rate of five per centum per annum; and any amount of United States notes so deposited may be withdrawn from deposit at any time after ten days' notice on the return of said certificates: *Provided*, That the interest on all such deposits shall cease and determine at the pleasure of the Secretary of the Treasury: *And provided further*, That the aggregate of such deposits shall at no time exceed the amount of twenty-five millions of dollars.

SEC. 5. That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues, and the coin so paid shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of one per centum of the entire debt of the United States, to be made within each fiscal year after

the first day of July, eighteen hundred and sixty-two, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall, from time to time, direct.

Third. The residue thereof to be paid into the Treasury of the United States.

SEC. 6. That if any person or persons shall falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, or shall willingly aid or assist in falsely making, forging, counterfeiting, or altering, any note, bond, coupon, or other security issued under the authority of this act, or heretofore issued under acts to authorize the issue of Treasury notes or bonds; or shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States from any foreign place with intent to pass, utter, publish, or sell, or shall have or keep in possession or conceal, with intent to utter, publish, or sell any such false, forged, counterfeited, or altered note, bond, coupon, or other security, with intent to defraud any body corporate or politic, or any other person or persons whatsoever, every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, and by imprisonment and confinement to hard labor not exceeding fifteen years, according to the aggravation of the offense.

SEC. 7. That if any person, having the custody of any plate or plates from which any notes, bonds, coupons, or other securities mentioned in this act, or any part thereof, shall have been printed, or which shall have been prepared for the purpose of printing any such notes, bonds, coupons, or other securities, or any part thereof, shall use such plate or plates, or knowingly permit the same to be used for the purpose of printing any notes, bonds, coupons, or other securities, or any part thereof, except such as shall be printed for the use of the United States by order of the proper officer thereof; or if any person shall engrave, or cause or procure to be engraved, or shall aid in engraving, any plate or plates in the likeness or similitude of any plate or plates designed for the printing of any such notes, bonds, coupons, or other securities, or any part thereof, or shall vend or sell any such plate or plates, or shall bring into the United States from any foreign place any such plate or plates, with any other intent or for any purpose, in either case, than that such plate or plates shall be used for printing of such notes, bonds, coupons, or other securities, or some part or parts thereof, for the use of the United States, or shall have in his custody or possession any metallic plate engraved after the similitude of any plate from which any such notes, bonds, coupons, or other securities, or any part or parts thereof, shall have been printed, with intent to use such plate or plates, or cause or suffer the same to be used, in forging or counterfeiting any such notes, bonds, coupons, or other securities, or any part or parts thereof, issued as aforesaid, or shall have in his custody or possession any blank note or notes, bond or bonds, coupon or coupons, or other security or securities, engraved and printed after the similitude of any notes, bonds, coupons, or other securities, issued as aforesaid, with intent to sell or otherwise use the same; or if any person shall print, photograph, or in any other manner execute or cause to be printed, photographed, or in any manner executed, or shall aid in printing, photographing, or executing any engraving, photograph, or other print, or impression, in the likeness or similitude of any such notes, bonds, coupons, or other securities or any part or parts thereof, except for the use of the United States and by order of the proper officer thereof, or shall vend or sell any such engraving, photograph, print, or other impression, except to the United States, or shall bring into the United States from any foreign place any such engraving, photograph, print, or other impression for the purpose of vending or selling the same, except by the direction of some proper officer of the United States, or shall have in his custody or possession any paper adapted to the making of such notes, bonds, coupons, or other securities, and similar to the paper upon which any such notes, bonds, coupons, or other securities shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes, bonds, coupons, or other securities, issued as aforesaid, every such person so offending shall be deemed guilty of a felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, and by imprisonment and confinement to hard labor not exceeding fifteen years, according to the aggravation of the offense.

Approved, February 25, 1862.

The legislative history of this act is this:

IN HOUSE.

1862, January 22—Mr. ELBRIDGE G. SPAULDING, from the Committee of Ways and Means, reported a bill (H. R. 240) "to authorize the issue of United States notes and for the redemption or funding thereof, and for the funding of the floating debt of the United States," as follows:

Be it enacted, &c., That for temporary purposes the Secretary of the Treasury be, and he is hereby, authorized to issue, on the credit of the United States, one hundred millions of dollars of United States notes, not bearing interest, payable to bearer at the Treasury of the United States, or at the office of the Assistant Treasurer in the city of New York, at the pleasure of the United States, and of such denominations as he may deem expedient, not less than five dollars each; and such notes, and all other United States notes, payable on demand, not bearing interest, heretofore authorized, shall be receivable for all debts and demands due to the United States, and for all salaries, debts, and demands owing by the United States to individuals, corporations, and associations within the United States; and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States; and any holder of said United States notes depositing any sum not less than fifty dollars, or other than a multiple of fifty, with the Treasurer of the United States, or either of the Assistant Treas-

urers, or either of the designated depositaries at Cincinnati or Baltimore, shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount in bonds of the United States, coupon or registered, as may be desired, bearing interest at the rate of six per centum, and redeemable at the pleasure of the Government after twenty years from date, or in sums not less than twenty-five hundred dollars, for which, if requested, the Secretary, if he deems it expedient, may issue similar bonds, the principal and interest of which may be expressed in the currency of any foreign country, and payable there. And such United States notes shall be received the same as coin, at their par value, in payment for any bonds that may be hereafter negotiated by the Secretary of the Treasury, and may be reissued from time to time, as the exigencies of the public service may require. There shall be printed on the back of the United States notes, which may be issued under the provisions of this act, the following words: "The within note is a legal tender in payment of all debts, public and private, and is exchangeable for bonds of the United States bearing six per centum interest."

SEC. 2. That to enable the Secretary of the Treasury to fund the treasury notes and floating debt of the United States, he is hereby authorized to issue, on the credit of the United States, coupon bonds or registered bonds, to an amount not exceeding five hundred millions of dollars, and redeemable, at the pleasure of the Government, after twenty years from date, and bearing interest at the rate of six per centum per annum, payable semi-annually. And the bonds herein authorized shall be of such denominations, not less than fifty dollars, as may be determined upon by the Secretary of the Treasury, or in sums not less than two thousand five hundred dollars, for which, if requested, the Secretary, if he deems it expedient, may issue similar bonds, the principal and interest of which may be expressed in the currency of any foreign country, and payable there. And the Secretary of the Treasury is authorized to issue said bonds, at their par value, to any creditor or creditors of the United States who may elect to receive them in satisfaction of their demands: *Provided*, That all such claims or demands shall have been first audited and settled by the proper accounting officers of the Treasury. And the Secretary of the Treasury may also exchange such bonds, at any time, for lawful money of the United States, or for any of the treasury notes that may have been or may hereafter be issued under any former act of Congress, or that may be issued under the provisions of this act.

[A third section directed the form of signing and countersigning the notes and bonds.]

January 28—The bill came up, and was committed to the Committee of the Whole on the State of the Union.

February 6—The Committee of the Whole reported the bill to the House, with an amendment in the nature of a substitute, and an amendment to said amendment in the nature of a substitute for it.

The Stevens Amendment.

The amendment, offered by Mr. THADDEUS STEVENS in Committee, was then read, as follows:

Strike out all after the enacting clause, and insert:

That to meet the necessities of the Treasury of the United States, and to provide a currency receivable for the public dues, the Secretary of the Treasury is hereby authorized to issue, on the credit of the United States, one hundred and fifty millions of dollars of United States notes, not bearing interest, payable to bearer, at the Treasury of the United States at Washington or New York, and of such denominations as he may deem expedient, not less than five dollars each: *Provided, however*, That fifty millions of said notes shall be in lieu of the demand Treasury notes authorized to be issued by the act of July seventeen, eighteen hundred and sixty-one; which said demand notes shall be taken up as rapidly as practicable, and the notes herein provided for substituted for them: *And provided, further*, That the amount of the two kinds of notes together shall at no time exceed the sum of one hundred and fifty millions of dollars. And such notes herein authorized shall be receivable in payment of all taxes, duties, imposts, excises, debts, and demands of every kind due to the United States, and for all salaries, debts, and demands owing by the United States to individuals, corporations, and associations within the United States, and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States. And any holders of said United States notes depositing any sum not less than fifty dollars, or some multiple of fifty dollars, with the Treasurer of the United States, or either of the assistant treasurers, shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of six per centum per annum, payable semi-annually at the Treasury or sub-treasuries of the United States, and redeemable at the pleasure of the United States after twenty years from the date thereof: *Provided*, That the Secretary of the Treasury shall, upon presentation of said certificates of deposit, issue to the holder thereof, at his option, and instead of the bonds already described, an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of seven per centum per annum, payable semi annually in coin, and redeemable at the pleasure of the United States after five years from the date thereof. And such United States notes shall be received the same as coin, at their par value, in payment for any loans that may be hereafter sold or negotiated by the Secretary of the Treasury, and may be reissued from time to time as the exigencies of the public interests shall require. There shall be printed on the back of the United States notes, which may be issued under the provisions of this act, the following words: "The within note is a legal tender in payment of all debts, public and

private, and is exchangeable for bonds of the United States bearing six per centum interest, at twenty years, or in seven per centum bonds at five years."

SEC. 2. That to enable the Secretary of the Treasury to fund the Treasury notes and floating debt of the United States, he is hereby authorized to issue, on the credit of the United States, coupon bonds, or registered bonds, to an amount not exceeding five hundred millions of dollars, and redeemable at the pleasure of the Government after twenty years from date, and bearing interest at the rate of six per centum per annum, payable semi-annually. And the bonds herein authorized shall be of such denominations, not less than fifty dollars, as may be determined upon by the Secretary of the Treasury. And the Secretary of the Treasury may dispose of such bonds at any time for lawful money of the United States, or for any of the Treasury notes that have been, or may hereafter be, issued under any former act of Congress, or for United States notes that may be issued under the provisions of this act; and all stocks, bonds, and other securities of the United States held by individuals, corporations, or associations within the United States, shall be exempt from taxation by any State or county.

[Sections 3, 4, and 5 directed the form of signing the bonds and notes, and punishing the forging, &c., of them.]

The Horton Amendment.

The amendment to the amendment, offered by Mr. VALENTINE B. HORTON (it having the sanction of one-half of the Committee on Ways and Means,) was then read as follows:

Strike out all after the word "that," where it first occurs, and insert: For temporary purposes the Secretary of the Treasury be, and he is hereby, authorized to issue, on the credit of the United States, one hundred million of dollars of Treasury notes, bearing interest at the rate of three and sixty-five hundredths per centum per annum, payable in two years after date to bearer at the Treasury of the United States or at the office of the Assistant Treasurer in the city of New York, or at the office of the designated depositary in the city of Cincinnati, and of such denominations as he may deem expedient, not less than five dollars each; and such notes shall be receivable for all public dues, except duties on imports, and for all salaries, debts, and demands owing by the United States to individuals, corporations, and associations within the United States, at the option of such individuals, corporations, and associations; and any holder of said United States notes depositing any sum not less than fifty dollars, or some multiple of fifty, with the Treasurer of the United States, or either of the Assistant Treasurers, or either of the designated depositaries at Cincinnati or Baltimore, shall receive in exchange therefor duplicate certificates of deposit for the amount, with any accumulated interest thereon, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount in bonds of the United States, coupon or registered, as may be desired, bearing interest at the rate of seven and three-tenths per centum per annum, payable semi-annually in coin, and redeemable at the pleasure of the Government after ten years from date; and such Treasury notes shall be received the same as coin, at their par value, with accumulated interest, in payment for any bonds that may be hereafter negotiated by the Secretary of the Treasury, and the Secretary of the Treasury may from time to time, as the exigencies of the public service may require, issue any amount of such Treasury notes equal to the amount redeemed. There shall be printed on the back of the United States notes which may be issued under the provisions of this act the following words: "The within note is receivable in payment of all public dues, except duties on imports, and is exchangeable for bonds of the United States bearing seven and three-tenths per centum interest per annum, payable in coin, semi-annually."

SEC. 2. That to enable the Secretary of the Treasury to fund the Treasury notes and floating debt of the United States, he is hereby authorized to issue, on the credit of the United States, coupon bonds, or registered bonds, to an amount not exceeding five hundred millions of dollars, two hundred millions bearing interest at the rate of seven and three-tenths per centum per annum, payable semi-annually in coin, and redeemable at the pleasure of the Government after ten years from date, and three hundred millions redeemable at the pleasure of the Government after twenty-four years from date, and bearing interest at the rate of six per centum per annum, payable semi-annually in coin. And the bonds herein authorized shall be of such denominations, not less than fifty dollars, as may be determined upon by the Secretary of the Treasury; and the Secretary of the Treasury may also exchange at par such bonds at any time for lawful money of the United States, or for any of the Treasury notes that have been or may hereafter be issued under any former act of Congress, or that may be issued under the provisions of this act.

[Other sections related to details.]

The amendment to the amendment (Mr. HORTON'S) was disagreed to—yeas 55, nays 95:

YEAS—Messrs. *Sydenham E. Ancona*, Portus Baxter, *Charles J. Biddle*, *George H. Browne*, William G. Brown, *George T. Cobb*, Frederick A. Conkling, Roscoe Conkling, Martin F. Conway, *Erastus Corning*, *Samuel S. Cox*, *James A. Cravens*, *John W. Crisfield*, *John J. Crittenden*, Alexander S. Diven, Thomas D. Eliot, *James E. English*, John N. Goodwin, *Henry Grider*, *Aaron Harding*, *William S. Holman*, Valentine B. Horton, *Philip Johnson*, *John Law*, *Jesse Lazear*, Owen Lovejoy, *Henry May*, *John W. Menzies*, Justin S. Morrill, *James R. Morris*, John T. Nixon, *Warren P. Noble*, *Elijah H. Norton*, *Robert H. Nugen*, *Moses F. Odell*, *George H. Pendleton*, *Nehemiah Perry*, Theodore M. Pomeroy, Albert G. Porter, Edward H. Rollins, Charles B. Sedgwick, *William P. Sheffield*, *George K. Shiel*, *William G. Steele*, John L. N. Stratton, Benjamin F. Thomas, Francis Thomas, Charles R. Train, *Clement L. Vallandigham*, *William H. Wadsworth*, E. P. Walton, *Elijah*

Ward, Edwin H. Webster, *Chilton A. White*, *Hendrick B. Wright*—55.

NAYS—Messrs. Cyrus Aldrich, John B. Alley, Isaac N. Arnold, James M. Ashley, Elijah Babbitt, Goldsmith F. Bailey, *Joseph Baily*, Stephen Baker, Fernando C. Beaman, John A. Bingham, Francis P. Blair, Jr., Jacob B. Blair, Samuel S. Blair, Harrison G. Blake, James Buffinton, Alfred A. Burnham, James H. Campbell, Jacob P. Chamberlain, Ambrose W. Clark, Schuyler Colfax, William P. Cutler, Wm. Morris Davis, Charles Delano, *Isaac C Delaplaine*, R. Holland Duell, *George W. Dunlap*, W. McKee Dunn, Sidney Edgerton, Thomas M. Edwards, Alfred Ely, Reuben E. Fenton, Samuel C. Fessenden, George P. Fisher, Richard Franchot, Augustus Frank, Daniel W. Gooch, Bradley F. Granger, John A. Gurley, *Edward Haight*, James T. Hale, Luther Hanchett, Richard A. Harrison, John Hickman, Samuel Hooper, John Hutchins, George W. Julian, William D. Kelley, Francis W. Kellogg, William Kellogg, John W. Killinger, *Anthony L. Knapp*, William E. Lansing, Cornelius L. L. Leary, Dwight Loomis, James B. McKean, Robert McKnight, Edward McPherson, Gilman Marston, Horace Maynard, William Mitchell, James K. Moorhead, Anson P. Morrill, Abraham B. Olin, John Patton, Timothy G. Phelps, Frederick A. Pike, *Thomas L. Price*, Alexander H. Rice, John H. Rice, *William A. Richardson*, *James S. Rollins*, Aaron A. Sargent, John P. C. Shanks, Samuel Shellabarger, Socrates N. Sherman, A. Scott Sloan, Elbridge G. Spaulding, *John B. Steele*, Thaddeus Stevens, Carey A. Trimble, Rowland E. Trowbridge, Charles H. Upton, Burt Van Horn, Rob't B. Van Valkenburgh, Charles H. Van Wyck, John P. Verree, William Wall, John W. Wallace, Charles W. Walton, Kellian V. Whaley, Albert S. White, *Charles A. Wickliffe*, James F. Wilson, William Windom, Samuel T. Worcester—95.

The STEVENS amendment was then agreed to without a division; and the bill as amended engrossed and read a third time.

The bill, amended by the substitution of Mr. STEVENS's proposition, was then passed—yeas 93, nays 59:

YEAS—Messrs. Cyrus Aldrich, John B. Alley, Isaac N. Arnold, James M. Ashley, Elijah Babbitt, Goldsmith F. Bailey, *Joseph Baily*, Stephen Baker, Fernando C. Beaman, John A. Bingham, Francis P. Blair, Jr., Jacob B. Blair, Samuel S. Blair, Harrison G. Blake, James Buffinton, Alfred A. Burnham, James H. Campbell, Jacob P. Chamberlain, Ambrose W. Clark, Schuyler Colfax, William P. Cutler, William Morris Davis, Charles Delano, *Isaac C. Delaplaine*, R Holland Duell, W. McKee Dunn, Sidney Edgerton, Thomas M. Edwards, Alfred Ely, Reuben E. Fenton, Samuel C. Fessenden, George P. Fisher, Richard Franchot, Augustus Frank, Daniel W. Gooch, Bradley F. Granger, John A. Gurley, *Edward Haight*, James T. Hale, Luther Hanchett, Richard A. Harrison, John Hickman, Samuel Hooper, John Hutchins, George W. Julian, William D. Kelley, Francis W. Kellogg, William Kellogg, John W. Killinger, William E. Lansing, Cornelius L. L. Leary, Dwight Loomis, James B. McKean, Robert McKnight, Edward McPherson, Gilman Marston, Horace Maynard, William Mitchell, James K. Moorhead, Anson P. Morrill, *Robert H. Nugen*, Abraham B. Olin, John Patton, Timothy G. Phelps, Frederick A. Pike, *Thomas L Price*, Alexander H. Rice, John H. Rice, Albert G. Riddle, *James S. Rollins*, Aaron A. Sargent, John P. C. Shanks, Samuel Shellabarger, Socrates N. Sherman, A. Scott Sloan, Elbridge G. Spaulding, *John B. Steele*, Thaddeus Stevens, Carey A. Trimble, Rowland E. Trowbridge, Charles H. Upton, Burt Van Horn, Robt. B. Van Valkenburgh, Charles H. Van Wyck, John P. Verree, William Wall, John W. Wallace, Charles W. Walton, Kellian V. Whaley, Albert S. White, James F. Wilson, William Windom, Samuel T. Worcester—93.

NAYS—Messrs. *Sydenham E. Ancona*, Portus Baxter, *Charles J. Biddle*, *George H. Browne*, *George T. Cobb*, Frederick A. Conkling, Roscoe Conkling, Martin F. Conway, *Erastus Corning*, *Samuel S. Cox*, *James A. Cravens*, *John W. Crisfield*, Alexander S. Diven, *George W. Dunlap*, Thomas D. Eliot, *James E English*, John N. Goodwin, *Henry Grider*, *Aaron Harding*, *William S. Holman*, Valentine B. Horton, *Philip Johnson*, *Anthony L. Knapp*, *John Law*, *Jesse Lazear*, Owen Lovejoy, *Robert Mallory*, *Henry May*, *John W. Menzies*, Justin S. Morrill, *James R. Morris*, John T. Nixon, *Warren P. Noble*, *Elijah H. Norton*, *Moses F. Odell*, *George H. Pendleton*, *Nehemiah Perry*, Theodore M. Pomeroy, Albert G. Porter, *William A. Richardson*, *James C. Robinson*, Edward H. Rollins, Charles B. Sedgwick, *William P. Sheffield*, *George K. Shiel*, *William G. Steele*, John L. N. Stratton, Benjamin F. Thomas, Francis Thomas, Charles R. Train, *Clement L. Vallandigham*, *Daniel W. Voorhees*, *William H. Wadsworth*, E. P. Walton, *Elijah Ward*, Edwin H. Webster, *Chilton A. White*, *Charles A. Wickliffe*, *Hendrick B. Wright*—59.

IN SENATE.

1862, FEBRUARY 10—Mr. WILLIAM P. FESSENDEN, from the Committee on Finance, reported said bill with amendments, so that it would read as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to issue, on the credit of the United States, one hundred and fifty millions of dollars of United States notes, not bearing interest, payable to bearer, at the Treasury of the United States, and of such denominations as he may deem expedient, not less than five dollars each: *Provided, however*, That fifty millions of said notes shall be in lieu of the demand treasury notes authorized to be issued by the act of July seventeen, eighteen hundred and sixty one; which said demand notes shall be taken up as rapidly as practicable, and the notes herein provided for substituted for them: *And provided, further*, That the amount of the two kinds of notes together shall at no time exceed the sum of one hundred and fifty millions of dollars, and such notes herein authorized shall be receivable in payment of all public dues and demands of every description, and of all claims and demands against the United States of every kind whatsoever, except for interest upon bonds and notes, which shall be paid in coin, and shall also

be lawful money and a legal tender in payment of all debts, public and private, within the United States, except interest as aforesaid. And any holders of said United States notes depositing any sum not less than fifty dollars, or some multiple of fifty dollars, with the Treasurer of the United States, or either of the assistant treasurers, shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of six per centum per annum, payable semi-annually, and redeemable at the pleasure of the United States after twenty years from the date thereof. And such United States notes shall be received the same as coin, at their par value, in payment for any loans that may be hereafter sold or negotiated by the Secretary of the Treasury, and may be reissued from time to time, as the exigencies of the public interests shall require. There shall be printed on the back of the United States notes which may be issued under the provisions of this act, the following words: "The within note is a legal tender in payment of all debts, public and private, and is exchangeable for bonds of the United States bearing six per centum interest, at twenty years."

Section two only varied from that of the House bill by changing the clause "and the Secretary of the Treasury may dispose of such bonds at any time for lawful money of the United States," &c., to "and the Secretary of the Treasury may dispose of such bonds at any time, at the market value thereof, for the coin of the United States."

Section three is identical with that of the House bill. Section four refers to temporary deposits.

SEC. 5. That all duties on imported goods, the proceeds of the sale of the public lands, and the proceeds of all property seized and sold under the laws of the United States as the property of rebels, shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest of the debt of the United States.

Second. To the purchase or payment of one per centum of the entire debt of the United States, to be made within each fiscal year after the first day of July, eighteen hundred and sixty-two, and to be set apart as a sinking fund, the interest of which shall be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

Third. The residue thereof to be paid into the Treasury of the United States.

Sections six and seven, which relate not to the principle of the measure, were substantially the same as sections four and five of the House bill.

February 12—The Senate, as in Committee of the Whole, adopted sundry amendments, one being to insert in the "legal-tender" clause the words "and the notes authorized by the act of July 17, 1861."

February 13—Mr. COLLAMER moved to amend the bill by striking out of the first section the words—

"And such notes herein authorized, and the notes authorized by the act of July 17, 1861, shall be receivable in payment of all public dues and demands of every description, and of all claims and demands against the United States of every kind whatsoever, except for interest upon bonds and notes, which shall be paid in coin, and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except interest as aforesaid."

Which was disagreed to—yeas 17, nays 22:

YEAS—Messrs. Anthony, *J. A. Bayard*, Collamer, Cowan, Fessenden, Foot, Foster, *Kennedy*, King, *Latham*, *Nesmith*, *Pearce*, *Powell*, *Willard Saulsbury*, Simmons, *Thomson*, Willey—17.

NAYS—Messrs. Chandler, Clark, *Davis*, Dixon, Doolittle, Harlan, Harris, Henderson, Howard, Howe, Lane of Indiana, *McDougall*, Morrill, Pomeroy, Rice, Sherman, Sumner, Ten Eyck, Wade, Wilkinson, Wilson of Massachusetts, *Wilson* of Missouri—22.

The bill, having been further amended, was reported to the Senate, and passed—yeas 30, nays 7:

YEAS—Messrs. Anthony, Chandler, Clark, *Davis*, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Henderson, Howard, Howe, Lane of Indiana, *Latham*, *McDougall*, Morrill, Pomeroy, *Rice*, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilson of Massachusetts, *Wilson* of Missouri—30.

NAYS—Messrs. Collamer, Cowan, *Kennedy*, King, *Pearce*, *Powell*, *Willard Saulsbury*—7.

IN HOUSE.

February 20—Pending the question on agreeing to the Senate amendments, the first five were agreed to.

The 6th Senate amendment was to strike out of the first section, legal tender clause, the words "and for all salaries, debts, and demands owing by the United States, to individuals, corporations, and associations within the United States," and to insert in lieu thereof: "and of all claims and demands against the United States of every kind whatsoever, except for interest upon bonds and notes, which shall be paid in coin," &c.

Mr. STEVENS proposed to amend this Senate amendment by inserting after the word "notes" the words "and for payments to be made to officers, soldiers, and sailors of the army and the navy of the United States, and for all supplies furnished to said government;" which was disagreed to—yeas 67, nays 72:

YEAS—Messrs. Cyrus Aldrich, *Sydenham E. Ancona*, Elijah Babbitt, *Joseph Baily*, Stephen Baker, *Charles J. Biddle*, John A. Bingham, Francis P. Blair, jr., Jacob B. Blair, Samuel S. Blair, *George H. Browne*, James Buffinton, James H. Campbell, Jacob P. Chamberlain, Ambrose W. Clark, *George T. Cobb*, William Morris Davis, Alexander S. Diven, Thomas M. Edwards, Alfred Ely, Reuben E. Fenton, Samuel C. Fessenden, George P. Fisher, Richard Franchot, Augustus Frank, Daniel W. Gooch Bradley F. Granger, James T. Hale, Luther Hanchett, Richard A. Harrison, *William S. Holman*, Samuel Hooper, *Philip Johnson*, George W. Julian, William Kellogg, John W. Killinger, *William E. Lehman*, Edward McPherson, Gilman Marston, Horace Maynard, William Mitchell, Anson P. Morrill,

John W. Noell, Moses F. Odell, Abraham B. Olin, *Nehemiah Perry,* John H. Rice, *James S. Rollins,* John P. C. Shanks, Socrates N. Sherman, *George K. Shiel,* A. Scott Sloan, Elbridge G. Spaulding, *William G. Steele,* Thaddeus Stevens, Burt Van Horn, Robert B. Van Valkenburgh, John P. Verree, *Daniel W. Voorhees,* William Wall, John W. Wallace, *Elijah Ward,* Albert S. White, James F. Wilson, William Windom, *George C. Woodruff,* Samuel T. Worcester—67.

NAYS—Messrs. John B. Alley, Isaac N. Arnold, James M. Ashley, Portus Baxter, Harrison G. Blake, William G. Brown, Alfred A. Burnham, *Charles B. Calvert,* Andrew J. Clements, Frederick A. Conkling, Roscoe Conkling, Martin F. Conway, *Samuel S. Cox, James A. Cravens, John J. Crittenden,* Henry L. Dawes, R. Holland Duell, *George W. Dunlap,* W. McKee Dunn, Thomas D. Eliot, *James E. English,* John N. Goodwin, *Henry Grider,* John A. Gurley, *Edward Haight, William A. Hall, Aaron Harding,* John Hickman, Valentine B. Horton, William D. Kelley, *Anthony L. Knapp,* William E. Lansing, *John Law,* Cornelius L. L. Leary, Dwight Loomis, Owen Lovejoy, Robert McKnight, *Robert Mallory, Henry May, John W. Menzies,* James K. Moorhead, Justin S. Morrill, John T. Nixon, *Warren P. Noble, Elijah H. Norton, Robert H. Nugen,* John Patton, Timothy G. Phelps, Frederick A. Pike, Theodore M. Pomeroy, Alexander H. Rice, Albert G. Riddle, *James C. Robinson,* Aaron A. Sargent, Charles B. Sedgwick, *William P. Sheffield, Edward H. Smith, John B. Steele,* John L. N. Stratton, Benjamin F. Thomas, Francis Thomas, Charles R. Train, Carey A. Trimble, Rowland E. Trowbridge, *Clement L. Vallandigham,* Charles W. Walton, E. P. Walton, Ellihu B. Washburne, Edwin H. Webster, William A. Wheeler, *Charles A. Wickliffe, Hendrick B. Wright*—72.

The 6th Senate amendment, establishing coin interest, was then agreed to—yeas 88, nays 55:

YEAS—Messrs. *Sydenham E. Ancona,* Isaac N. Arnold, James M. Ashley, Portus Baxter, Fernando C. Beaman, *Charles J. Biddle,* Jacob B. Blair, *George H. Browne,* William G. Brown, Alfred A. Burnham, *Charles B. Calvert,* Andrew J. Clements, *George T. Cobb,* Frederick A. Conkling, Roscoe Conkling, Martin F. Conway, John Covode, *Samuel S. Cox, James A. Cravens, John J. Crittenden,* Alexander S. Diven, *George W. Dunlap,* W. McKee Dunn, Thomas D. Eliot, *James E. English,* John N. Goodwin, *Henry Grider,* John A. Gurley, *Edward Haight, William A. Hall, Aaron Harding, William S. Holman,* Valentine B. Horton, *Philip Johnson,* William D. Kelley, *Anthony L. Knapp, John Law,* Cornelius L. L. Leary, *William E. Lehman,* Dwight Loomis, Owen Lovejoy, Robert McKnight, *Robert Mallory, Henry May, John W. Menzies,* Justin S. Morrill, John T. Nixon, *Warren P. Noble, Elijah H. Norton, Robert H. Nugen, Moses F. Odell,* John Patton, *George H. Pendleton, Nehemiah Perry,* Timothy G. Phelps, Frederick A. Pike, Theodore M. Pomeroy, Alexander H. Rice, Albert G. Riddle, *James C. Robinson,* Edward H. Rollins, *James S. Rollins,* Aaron A. Sargent, Charles B. Sedgwick, *William P. Sheffield,* Socrates N. Sherman, *George K. Skiel, Edward H. Smith, John B. Steele, William G. Steele,* John L. N. Stratton, Benjamin F. Thomas, Francis Thomas, Charles R. Train, Carey A. Trimble, *Clement L. Vallandigham, Chauncey Vibbard, Daniel W. Voorhees,* Charles W. Walton, E. P. Walton, *Elijah Ward,* Ellihu B. Washburne, Edwin H. Webster, Kellian V. Whaley, William A. Wheeler, *Charles A. Wickliffe, George C. Woodruff, Hendrick B. Wright*—88.

NAYS—Messrs. Cyrus Aldrich, John B. Alley, Elijah Babbitt, *Joseph Baily,* Stephen Baker, John A. Bingham, Francis P. Blair, jr., Samuel S. Blair, Harrison G. Blake, James Buffinton, James H. Campbell, Jacob P. Chamberlain, Ambrose W. Clark, Wm. Morris Davis, Henry L. Dawes, R. Holland Duell, Thomas M. Edwards, Alfred Ely, Reuben E. Fenton, Samuel C. Fessenden, George P. Fisher, Richard Franchot, Augustus Frank, Bradley F. Granger, James T. Hale, Luther Hanchett, Richard A. Harrison, John Hickman, Samuel Hooper, George W. Julian, William Kellogg, John W. Killinger, William E. Lansing, Edward McPherson, Gilman Marston, Horace Maynard, James K. Moorhead, Anson P. Morrill, *John W. Noell,* Abraham B. Olin, John H. Rice, John P. C. Shanks, A. Scott Sloan, Elbridge G. Spaulding, Thaddeus Stevens, Rowland E. Trowbridge, Burt Van Horn, Robert B. Van Valkenburgh, John P. Verree, William Wall, John W. Wallace, Albert S. White, James F. Wilson, William Windom, Samuel T. Worcester—55.

After other amendments were acted on, and the fifteenth amendment adopted, which authorized the Secretary of the Treasury to sell the bonds at the "market value thereof"—yeas 72, nays 66, as follows:

YEAS—Messrs. *Sydenham E. Ancona,* Goldsmith F. Bailey, Portus Baxter, Fernando C. Beaman, *Charles J. Biddle,* George H. Browne, William G. Brown, *Charles B. Calvert,* Ambrose W. Clark, *George T. Cobb,* Frederick A. Conkling, Roscoe Conkling, Martin F. Conway, John Covode, *James A. Cravens, John J. Crittenden,* William P. Cutler, *George W. Dunlap,* W. McKee Dunn, Thomas D. Eliot, *James E. English,* John N. Goodwin, *Henry Grider, William A. Hall, Aaron Harding, William S. Holman,* Valentine B Horton, *Philip Johnson,* William D. Kelley, *Anthony L. Knapp, John Law,* Cornelius L. L. Leary, Owen Lovejoy, Robert McKnight, *John W. Menzies,* Justin S. Morrill, John T. Nixon, *Warren P. Noble, Elijah H. Norton, Robert H. Nugen, Moses F. Odell,* John Patton, *George H. Pendleton, Nehemiah Perry,* Frederick A. Pike, Theodore M. Pomeroy, Albert G. Porter, Alexander H. Rice, Albert G. Riddle, *James C. Robinson,* Edward H. Rollins, *James S. Rollins,* Aaron A. Sargent, Charles B. Sedgwick, *William P. Sheffield, George K. Shiel, Edward H. Smith, William G. Steele,* John L. N. Stratton, Benjamin F. Thomas, Francis Thomas, Charles R. Train, Carey A. Trimble, John P. Verree, *Chauncey Vibbard, Daniel W. Voorhees,* Charles W. Walton, E. P. Walton, Ellihu B. Washburne, William A. Wheeler, *George C. Woodruff, Hendrick B. Wright*—72.

NAYS—Messrs. Cyrus Aldrich, John B. Alley, James M. Ashley, Elijah Babbitt, *Joseph Baily,* Stephen Baker, John A. Bingham, Francis P.

Blair, jr., Jacob B. Blair, Samuel S. Blair, Harrison G. Blake, James Buffinton, James H. Campbell, Jacob P. Chamberlain, Andrew J. Clements, *Samuel S. Cox*, William Morris Davis, Henry L. Dawes, Alexander S. Diven, Sidney Edgerton, Thomas M. Edwards, Alfred Ely, Reuben E. Fenton, Samuel C. Fessenden, George P. Fisher, Richard Franchot, Augustus Frank, Bradley F. Granger, *Edward Haight*, James T. Hale, Luther Hanchett, Richard A. Harrison, John Hickman, Samuel Hooper, John Hutchins, George W. Julian, John W. Killinger, William E. Lansing, William E. Lehman, Dwight Loomis, Edward McPherson, Gilman Marston, Horace Maynard, James K. Moorhead, Anson P. Morrill, *John W. Noell*, Abraham B. Olin, John F. Potter, John H. Rice, John P. C. Shanks, Socrates N. Sherman, A. Scott Sloan, Elbridge G. Spaulding, *John B. Steele*, Thaddeus Stevens, Rowland E. Trowbridge, *Clement C. Vallandigham*, Burt Van Horn, Robert B. Van Valkenburgh, William Wall, John W. Wallace, Albert S. White, *Charles A. Wickliffe*, James F. Wilson, William Windom, Samuel T. Worcester—66.

Mr. HOOPER moved that the Senate amendments be laid on the table; which was disagreed to—yeas 21, nays 110. The yeas were:

Messrs. Stephen Baker, Samuel S. Blair, Alexander S. Diven, Thomas D. Eliot, George P. Fisher, Bradley F. Granger, John Hickman, Samuel Hooper, Anson P. Morrill, Justin S. Morrill, *Elijah H. Norton*, Abraham B. Olin, *George H. Pendleton*, Charles B. Sedgwick, *William P. Sheffield*, *George K. Shiel*, A. Scott Sloan, Thaddeus Stevens, Benjamin F. Thomas, Charles R. Train, *Clement L. Vallandigham*.

The 19th amendment, being to add the following section to the House bill:

SEC. 5. That all duties on imported goods, the proceeds of the sale of the public lands, and the proceeds of all property seized and sold under the laws of the United States as the property of rebels, shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of one per centum of the entire debt of the United States, to be made within each fiscal year after the first day of July, eighteen hundred and sixty-two, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall, from time to time, direct.

Third. The residue thereof to be paid into the Treasury of the United States.

Was disagreed to, on a division—yeas 51, nays 52.

CONFERENCE COMMITTEE.

Messrs. FESSENDEN, SHERMAN, and CARLILE were appointed conferees on the part of the Senate, and Messrs. STEVENS, HORTON, and SEDGWICK, on the part of the House, to reconcile the points of difference.

CONFERENCE REPORTS.

IN HOUSE.

February 24—Mr. STEVENS, from the committee of conference on the disagreeing votes of the two Houses on the bill of the House (H. R. 240) to authorize the issue of United States notes, &c., submitted a report.

The principal point in the report of the committee of conference was to recommend the House to recede from its disagreement to the 10th Senate amendment, (relating to a sinking fund,) and agree to it in this form:

"That all duties on imported goods shall be paid in coin, and shall be set apart as a special fund, and shall be applied as follows:"

Also, to make the legal tenders receivable for "internal duties," and make them not receivable for "imports," and to insert the words "except duties on imports," in the two places in the clause in which they appear.

The House agreed to the report—yeas 98, nays 22; and the Senate without a division.

Next day the Senate reconsidered the vote, and ordered the report recommitted, to which the House, by unanimous consent, assented.

February 25—The same report was made, except the sinking fund clause was made to read as it does in the act; and in that form the report was adopted in each House without a division.

Note B.

ACT OF JUNE 30, 1864—38TH CONGRESS, 1ST SESSION—LIMITING THE ISSUE OF "GREENBACKS."

The following is the declaration referred to in the PRESIDENT'S message:

SEC. 2, * * Nor shall the total amount of United States notes, issued or to be issued, ever exceed four hundred millions of dollars, and such additional sum, not exceeding fifty millions of dollars, as may be temporarily required for the redemption of temporary loan. * * * *U. S. Statutes at Large, vol. 13, p. 219.*

[The bill contains an authority to borrow $400,000,000, and issue bonds therefor redeemable in from five to forty years, interest 6 per cent. semi-annually in coin. It also authorized the issue, on the credit of the United States, and in lieu of an equal amount of bonds above authorized, not exceeding $200,000,000 in Treasury notes, payable in three years, and bearing interest at $7\frac{3}{10}$ per cent. in lawful money. And it also authorized the issue of fifty millions of dollars of fractional currency.

In the progress of the bill through the House and Senate there was no separate vote on the above clause. While the bill was in Committee of the Whole, in the House, a substitute for the second section was adopted, but it also contained this precise clause, and the substitute was subsequently rejected in the House—yeas 44, nays 81. But as this vote manifestly turned upon those features of the two propositions on which they differed from each other, and not upon that on which they agreed, it is not considered necessary to repeat said vote. There was no division, in either House, on final passage.]

Note C.

HOUSE RESOLUTION OF DECEMBER 18, 1865—39TH CONGRESS, 1ST SESSION—PLEDGING CO-OPERATION IN CONTRACTION.

The following is the House resolution referred

to in the message, and the vote by which it passed:

1865, December 18.—Mr. ALLEY, (the rules having been suspended for that purpose,) submitted the following resolution:

Resolved, That this House cordially concurs in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit; and we hereby pledge co-operative action to this end as speedily as practicable.

The resolution was agreed to—yeas 144, nays 6, not voting 30:

YEAS—Messrs. John B. Alley, William B. Allison, Oakes Ames, *Sydenham E. Ancona*, George W. Anderson, James M. Ashley, John D Baldwin, Nathaniel P. Banks, Abraham A. Barker, Portus Baxter, Fernando C. Beaman, *Teunis G. Bergen*, John Bidwell, John A. Bingham, Henry T. Blow, George S. Boutwell, *Benjamin M. Boyer*, Augustus Brandegee, *James Brooks*, John M. Broomall, Hezekiah S. Bundy, Reader W. Clarke, Sidney Clarke, Roscoe Conkling, Burton C. Cook, Shelby M. Cullom, William A. Darling Henry L. Dawes, *John L. Dawson*, Joseph H Defrees, Columbus Delano, Henry C. Deming, *Charles Denison*, Nathan F. Dixon, John F. Driggs, Charles A. Eldredge, Thomas D. Eliot, John H. Farquhar, Thomas W. Ferry, *William E Finck*, James A. Garfield, *Henry Grider*, John A. Griswold, Robert S. Hale, *Aaron Harding*, Abner C. Harding, Roswell Hart, Rutherford B. Hayes, Jas. H. D. Henderson, William Higby, Ralph Hill, *John Hogan*, Sidney T. Holmes, Samuel Hooper, Giles W. Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, jr., John H. Hubbard, *Edwin N. Hubbell*, James R. Hubbell, Calvin T. Hulburd, James Humphrey, Ebon C. Ingersoll, Thomas A. Jenckes, *Philip Johnson*, George W. Julian, John A. Kasson, William D. Kelley, John R. Kelso, *Michael C. Kerr*, John H. Ketcham, Andrew J. Kuykendall, Addison H. Laflin, George R. Latham, George V. Lawrence, William Lawrence, John W. Longyear, *Samuel S. Marshall*, Gilman Marston, James M. Marvin, Joseph W. McClurg, Walter D. McIndoe, Samuel McKee, Donald C. McRuer, Ulysses Mercur, George F. Miller, James K. Moorhead, Justin S. Morrill, Samuel W. Moulton, Leonard Myers, *William E. Niblack*, *John A. Nicholson*, *Thomas E. Noell*, Charles O'Neill, Godlove S. Orth, Halbert E. Paine, James W. Patterson, Sidney Perham, Charles E. Phelps, Frederick A. Pike, Tobias A. Plants, Hiram Price, *William Radford*, *Samuel J. Randall*, William H. Randall, Henry J. Raymond, Alexander H. Rice, John H. Rice, *Burwell C. Ritter*, Edward H. Rollins, *Lewis W. Ross*, Lovell H. Rousseau, Philetus Sawyer, Glenni W. Scofield, *George S. Shanklin*, Samuel Shellabarger, *Charles Sitgreaves*, Ithamar C. Sloan, Rufus P. Spalding, John F. Starr, Thomas N. Stillwell, *Myer Strouse*, *Stephen Tabor*, *Nelson Taylor*, *Anthony Thornton*, *Lawrence S. Trimble*, Row'd E. Trowbridge, Charles Upson, Henry Van Aernam, Burt Van Horn, Robert T. Van Horn, Daniel W. Voorhees, Hamilton Ward, Samuel L. Warner, Ellihu B. Washburne, William B. Washburn, Martin Welker, John Wentworth, Kellian V. Whaley, Thomas Williams, James F. Wilson, Stephen F. Wilson, *Edwin R. V. Wright*—144.

NAYS—Messrs. Jehu Baker, Amasa Cobb, Ephraim R. Eckley, *Benjamin G. Harris*, Green Clay Smith, M. Russell Thayer—6.

NOT VOTING—Messrs. John F. Benjamin, James G. Blaine, Henry P. H Bromwell, Ralph P. Buckland, *John W. Chanler*, Charles V. Culver, Thomas T. Davis, Ignatius Donnelly, Ebenezer Dumont, Benjamin Eggleston, John F. Farnsworth, *Adam J. Glossbrenner*, *Charles Goodyear*, Josiah B. Grinnell, *James M. Humphrey*, *Francis C. Le Blond*, Benjamin F. Loan, John Lynch *Hiram McCullough*, Daniel Morris, William A. Newell, Theodore M. Pomeroy, *Andrew J. Rogers*, Robert C. Schenck, Thaddeus Stevens, Francis Thomas, John L. Thomas, jr., William Windom, *Charles H. Winfield*, Fred'k E. Woodbridge—30.

Note D.

ACT OF APRIL 12, 1866—39TH CONGRESS, 1ST SESSION—PROVIDING FOR A REDUCTION OF THE CURRENCY.

The following is the text of the act, as it passed the House March 23, 1866, and the Senate April 9, 1866, and was approved April 12, 1866:

Be it enacted, &c., That the act entitled "An act to provide ways and means to support the Government," approved March third, eighteen hundred and sixty-five, shall be extended and construed to authorize the Secretary of the Treasury, at his discretion, to receive any treasury notes or other obligations issued under any act of Congress, whether bearing interest or not, in exchange for any description of bonds authorized by the act to which this is an amendment; and also to dispose of any description of bonds authorized by said act, either in the United States or elsewhere, to such an amount, in such manner, and at such rates as he may think advisable, for lawful money of the United States, or for any treasury notes, certificates of indebtedness, or certificates of deposit, or other representatives of value, which have been or which may be issued under any act of Congress, the proceeds thereof to be used only for retiring treasury notes or other obligations issued under any act of Congress; but nothing herein contained shall be construed to authorize any increase of the public debt: *Provided*, That of United States notes not more than ten millions of dollars may be retired and canceled within six months from the passage of this act, and thereafter not more than four millions of dollars in any one month: *And provided further*, That the act to which this is an amendment shall continue in force in all its provisions, except as modified by this act.

SEC. 2. That the Secretary of the Treasury shall report to Congress at the commencement of the next session the amount of exchanges made or money borrowed under this act, and of whom, and on what terms; and also the amount and character of indebtedness retired under this act, and the act to which this is an amendment, with a detailed statement of the expense of making such loans and exchanges. (*U. S. Statutes at Large, vol.* 14, *p.* 31.)

The House passed the bill—yeas 83, nays 53, not voting 47:

YEAS—Messrs. John B. Alley, *Sydenham E. Ancona*, George W. Anderson, James M. Ashley, John D. Baldwin, Nathaniel P. Banks, Abraham A. Barker, Portus Baxter, *Teunis G. Bergen*, John Bidwell, James G. Blaine, *Benjamin M. Boyer*, *James Brooks*, Roscoe Conkling, Shelby M. Cullom, William A. Darling, Henry L. Dawes, *John L. Dawson*, Ignatius Donnelly, *Charles A. Eldredge*, Thomas D. Eliot, John F. Farnsworth, John H. Farquhar, *William E. Finck*, James A. Garfield, *Adam J. Glossbrenner*, *Henry Grider*, Robert S. Hale, *Aaron Harding*, *John Hogan*, Sidney T. Holmes, John H. Hubbard, *James M. Humphrey*, Ebon C. Ingersoll, *Morgan Jones*, John A. Kasson, *Michael C. Kerr*, John H. Ketcham, Andrew J. Kuykendall, Addison H. Laflin, George R. Latham, George V. Lawrence, *Francis C. Le Blond*, *Samuel S. Marshall*, Gilman Marston, James M. Marvin, *Hiram McCullough*, Donald C. McRuer, Ulysses Mercur, James K. Moorhead, Justin S. Morrill, Daniel Morris, Samuel W. Moulton, Leonard Myers, *John A. Nicholson*, *Thomas E. Noell*, Sidney Perham, Frederick A. Pike, *Samuel J. Randall*, John H Rice, *Burwell C. Ritter*, *Andrew J. Rogers*, Edward H. Rollins, *Lewis W. Ross*, Philetus Sawyer, Glenni W. Scofield, Green Clay Smith, Rufus P. Spalding, Thomas N. Stillwell, *Myer Strouse*, *Nelson Taylor*, *Anthony Thornton*, Charles Upson, Burt Van Horn, Robert T. Van Horn, Hamilton Ward, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, John Wentworth, William Windom, *Charles H. Winfield*, *Edwin R. V. Wright*—83.

NAYS—Messrs. William B. Allison, Jehu Baker, Fernando C. Beaman, John F. Benjamin, John A. Bingham, Henry P. H. Bromwell, John M. Broomall, Ralph P. Buckland, Hezekiah S. Bundy, Reader W. Clarke, Burton C. Cook, Nathan F. Dixon, John F. Driggs, Ephraim R. Eckley, Benjamin Eggleston, Thomas W. Ferry, John A. Griswold, Abner C. Harding, Roswell Hart, Rutherford B. Hayes, William Higby, Ralph Hill, Samuel Hooper, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, Jr., *Edwin N. Hubbell*, James R. Hubbell, George W. Julian, William D. Kelley, John R. Kelso, William Lawrence, Benjamin F. Loan, John Lynch, Joseph W. McClurg, Samuel McKee, George F. Miller, Charles O'Neill, Godlove S. Orth, Halbert E. Paine, Charles E. Phelps, Hiram Price, Samuel Shellabarger, Thaddeus Stevens, M. Russell Thayer, Francis Thomas, John L. Thomas, Jr., Rowland E. Trowbridge, Henry Van Aernam, Martin Welker, Thomas Williams, James F. Wilson, Stephen F. Wilson—53.

NOT VOTING—Messrs. Oakes Ames, Delos R. Ashley, Henry T. Blow, George S. Boutwell, Augustus Brandegee, *John W. Chanler*, Sidney Clarke, Amasa Cobb, *Alexander H. Coffroth*, Charles V. Culver, Thomas T. Davis, Joseph H. Defrees, Columbus Delano, Henry C. Deming, *Charles Denison*, Ebenezer Dumont, *Charles Goodyear*, Josiah B. Grinnell, *Benjamin G. Harris*, James H. D. Henderson, Giles W. Hotchkiss, Calvin T. Hulburd, James Humphrey, Thomas A. Jenckes, *Philip Johnson*, John W. Longyear, Walter D. McIndoe, William A. Newell, *William E. Niblack*, James W. Patterson, Tobias A. Plants, Theodore M. Pomeroy, *William Radford*, William H. Randall, Henry J. Raymond, Alexander H. Rice, Lovell H. Rousseau, Robert C. Schenck, *George S. Shanklin*, *Charles Sitgreaves*, Ithamar C. Sloan, John F. Starr, *Stephen Taber*, *Lawrence S. Trimble*, Samuel L. Warner, Kellian V. Whaley, Frederick E. Woodbridge—47.

The vote in the Senate was—yeas 32, nays 7:

YEAS—Messrs. Anthony, Brown, *Buckalew*, Clark, Conness, Cowan, Cragin, *Davis*, Doolittle, Edmunds, Fessenden, Foster, Grimes, *Guthrie*, Harris, *Johnson*, Kirkwood, Lane of Indiana, *McDougall*, Morgan, Morrill, *Nesmith*, Nye, Poland, Pomeroy, *Riddle*, Sumner, Trumbull, Van Winkle, Willey, Williams, Wilson—32.

NAYS—Messrs. Chandler, Howard, Howe, Norton, Ramsey, Sherman, Wade—7.

[Under the above act the Secretary of the Treasury retired $44,000,000 legal tenders, reducing the amount in circulation to $356,000,000. But from the period commencing with the panic of September, 1873, and up to July 1, 1874, at which time this page goes to press, the Secretary issued (or reissued) $26,000,000 of legal tenders.]

Note E.

ACT OF FEBRUARY 4, 1868—40TH CONGRESS, 2D SESSION—SUSPENDING FURTHER REDUCTION OF THE CURRENCY.

Be it enacted, &c., That from and after the passage of this act the authority of the Secretary of the Treasury to make any reduction of the currency, by retiring or canceling United States notes, shall be, and is hereby, suspended. * * * (*U. S. Statutes at Large, vol.* 15, *p.* 34.)

IN HOUSE.

1867, December 7—The bill, as above, passed—yeas 127, nays 32, not voting 28.

YEAS—Messrs. *George M. Adams*, William B. Allison, George W. Anderson, *Stevenson Archer*, Samuel M. Arnell, James M. Ashley, *Samuel B. Axtell*, Jehu Baker, Nathaniel P. Banks, *Demas Barnes*, *William H. Barnum*, Fernando C. Beaman, *James B. Beck*, John F. Benjamin, Jacob Benton, John A. Bingham, George S. Boutwell, *Benjamin M. Boyer*, Henry P. H. Bromwell, *James Brooks*, Ralph P. Buckland, *Albert G. Burr*, Benjamin F. Butler, *Samuel F. Cary*, John C. Churchill, Reader W. Clarke, Sidney Clarke, Amasa Cobb, John Coburn, Burton C. Cook, John Covode, Shelby M. Cullom, Nathan F. Dixon, Greenville M. Dodge, Ignatius Donnelly, John F. Driggs, Ephraim R. Eckley, Benjamin Eggleston, Jacob H. Ela, *Charles A. Eldredge*, John F. Farnsworth, Orange Ferriss, Thomas W. Ferry, William C. Fields, *J. S. Golladay*, Joseph J. Gravely, John A. Griswold, George A. Halsey, Cornelius S. Hamilton, Abner C. Harding, Isaac R. Hawkins, John Hill, William Higby, *William S. Holman*, Benjamin F. Hopkins, *Julius Hotchkiss*, Asahel W. Hubbard, Calvin T. Hulburd, Morton C. Hunter, Ebon C. Ingersoll, *Thomas L. Jones*, Norman B. Judd, George W. Julian, William D. Kelley, William H. Kelsey, *Michael C. Kerr*, John H. Ketcham, *J. Proctor Knott*, William H. Koontz, Addison

H. Laflin, William Lawrence, William S. Lincoln, Benjamin F. Loan, John A. Logan, William Loughridge, John Lynch, James M. Marvin, Horace Maynard, Dennis McCarthy, Joseph W. McClurg, Ulysses Mercur, George F. Miller, James K. Moorhead, *George W. Morgan*, James Mullins, *William Mungen*, Leonard Myers, Carman A. Newcomb, *William E. Niblack*, David A. Nunn. Charles O'Neill, Godlove S. Orth, Halbert E. Paine, Sidney Perham, William A. Pile, Tobias A. Plants, Daniel Polsey, William H. Robertson, *Lewis W. Ross*, Philetus Sawyer, Robert C. Schenck, John P. C. Shanks, Worthington C. Smith, H. H. Starkweather, Aaron F. Stevens, Thaddeus Stevens, *Thomas E. Stewart*, William B. Stokes, *Frederick Stone*, Caleb N. Taylor, Francis Thomas, John Trimble, Row'd E. Trowbridge, Charles Upson, Henry Van Aernam, Robert T. Van Horn, *Philadelph Van Trump*, Charles H. Van Wyck, Cadwal'r C. Washburn, Henry D. Washburn, Martin Welker, Thomas Williams, William Williams, James F. Wilson, John T. Wilson, Stephen F. Wilson, Frederick E. Woodbridge—127.

NAYS—Messrs. Oakes Ames, Delos R. Ashley, James G. Blaine, John M. Broomall, Henry L. Dawes, Thomas D. Eliot, James A. Garfield, *J. Lawrence Getz*, *Adam J. Glossbrenner*, *Asa P. Grover*, *Charles Haight*, Samuel Hooper, *Richard D. Hubbard*, *James M. Humphrey*, *James A. Johnson*, George V. Lawrence, *Hiram McCullough*, John A. Peters, *Charles E. Phelps*, Frederick A. Pike, Luke P. Poland, Hiram Price, *John V. L. Pruyn*, *Samuel J. Randall*, *Charles Sitgreaves*, Rufus P. Spalding, *Stephen Taber*, *Daniel M. Van Auken*, Hamilton Ward, Ellihu B. Washburne, William B. Washburn, *George W. Woodward*—32.

NOT VOTING—Messrs. Alexander H. Bailey, John D. Baldwin, Austin Blair, Henry L. Cake, *John W. Chanler*, Thomas Cornell, Darwin A. Finney, *John Fox*, Chester D. Hubbard, Thomas A. Jenckes, Bethuel M. Kitchen, Rufus Mallory, *Samuel S. Marshall*, William Moore, Daniel J. Morrell, *John Morrissey*, *John A. Nicholson*, Theodore M. Pomeroy, Green B. Raum, William E. Robinson, Glenni W. Scofield, Lewis Selye, Samuel Shellabarger, John Taffe, Ginery Twichell, Burt Van Horn, William Windom, *Fernando Wood*—28.

IN SENATE.

The Senate adopted a substitute for the House bill, to wit: "That so much of the act approved April twelfth, eighteen hundred and sixty-six, entitled 'An act to amend an act entitled "An act to provide ways and means to support the Government," approved March third, eighteen hundred and sixty-five,' as provides that the Secretary of the Treasury may retire and cancel United States notes to the extent of four millions of dollars per month be, and the same is hereby, suspended until Congress shall otherwise provide." But subsequently receded from it, on report of a Committee of Conference, without a division.

The above act became a law by lapse of time—ANDREW JOHNSON, President.

Note F.

LETTER OF SENATOR MORTON, MAY 5, 1874, IN EXPLANATION OF THE SENATE CURRENCY BILL.

To the Editor of the Indianapolis Journal:

SIR: There appears to be a misapprehension in a portion of the press in regard to the provisions of the finance bill which lately passed the two Houses of Congress, but from which the President withheld his approval. The bill is criticised as if it authorized a new emission of United States notes, which would increase the difficulty of a return to specie payments, and thereby involve a breach of the national faith pledged for the redemption of those notes in coin. The first section of the bill, and the only one which relates to the United States notes, is in these words:

"That the maximum amount of United States notes is hereby fixed at $400,000,000."

To understand the effect of this provision reference must be had to previous legislation. By the act of June 30, 1864, it was declared that the United States notes in circulation, or to be circulated, should not exceed the sum of $400,000,000. By the act of April 12, 1866, it was provided that of United States notes not more than $10,000,000 may be retired and canceled within six months of the passage of this act, and thereafter not more than $4,000,000 in any one month. On the 4th of March, 1868, another act was passed, forbidding any further reduction of United States notes. At that time the amount outstanding was $356,000,000, and that is the limit below which the United States notes cannot be reduced without congressional enactment.

Under the operation of these statutes successive Secretaries of the Treasury have assumed the right to reissue at their discretion $44,000,000—that is, the difference between $356,000,000 and $400,000,000—and to withdraw the same again from circulation. Under this asserted power about a million and a half of dollars of these notes were issued in September, 1869, and afterward withdrawn, and a like sum issued in the fall of 1871, and afterward withdrawn. Since the 1st of October last there have been issued of these notes by the Secretary of the Treasury $26,000,000, making the whole circulation of United States notes $382,000,000.

The right of the Secretary to reissue any part of this $44,000,000, or to increase the circulation of these notes above $356,000,000, has been continually denied by many lawyers in Congress and out of it, and a large portion of the press. The question cannot be said to be free from doubt. At the last session of Congress a majority of the Finance Committee of the Senate, through the chairman, Mr. Sherman, reported to the Senate for its adoption the following resolution:

"*Resolved*, That, in the opinion of the Senate, the Secretary of the Treasury has not the power to reissue any portion of the forty-four million dollars retired and canceled under the several laws on that subject."

My first impression had been against the existence of the power, but on further examination I thought it fairly deducible from a comparison of statutes, and personally urged upon the Pres-

ident and Secretary the free use of the forty-four million reserve to check the progress of the panic and alleviate its disasters. In his veto message and in his letter to Messrs. Claflin and Anthony on the 28th of September last, the President treats the forty-four millions as being an existing reserve, a sum of money already in the Treasury, as much so as a like sum received from taxes, to be used at the discretion of the Secretary of the Treasury for certain purposes. He regards the maximum amount of United States notes as $400,000,000, and treats the $44,000,000 as in actual existence.

The first section of the bill declares the law to be what the President and Secretary have assumed it to be.* It declares that the maximum amount of United States notes shall be $400,000,000; that is, the amount beyond which the issue shall not be extended. The word maximum means the greatest. It does not mean the precise amount, but simply the amount beyond which the issue cannot go. The section relieved the Government from the exercise of a doubtful power, which had been the occasion of severe animadversions. The Secretary of the Treasury, in his last report, thought it important that Congress should remove the doubt hanging over the issue of this forty-four million, and used the following language:

"But the law authorizing the issue of the maximum of $400,000,000 has never been repealed, and has uniformly been held by the Treasury Department and the law officers thereof to be in full force. In view of the uncertainty which exists in public sentiment as to the right of the Secretary of the Treasury to issue United States notes in excess of the maximum, and conceding that he has the right under the law, I respectfully recommend that Congress shall set these questions at rest by a distinct enactment."

It was the wish and expectation of the friends of the bill that the Secretary should put into circulation the remaining eighteen millions of the forty-four millions, and it was proposed by some that the language of the section should be so changed as to require the amount to be put into circulation and kept outstanding; but it was determined otherwise, and that the bill should simply declare the maximum amount of circulation, and leave the power and discretion of the Secretary what they had been claimed to be. Had Congress taken from the Secretary the enormous power to put the circulation of United States notes up to $400,000,000, or reduce it to $356,000,000, by fixing it at $400,000,000, the act would have met the approbation of a large part of the people who believe that a power so vast should not be reposed in any public officer. But that was not done, and the whole effect of the section was to establish the legality of the power which had been claimed, and the exercise of which had been declared by many to be a gross usurpation.

The other section of the bill authorizes the increase of the bank note circulation to the amount of $46,000,000, to be distributed among the States having less than their proportion upon the basis of the act of 1865, the new banks to be established upon the terms, liabilities, and restrictions imposed upon existing banks, being required to secure their bills by deposits of bonds, redeem them in United States notes upon demand over their own counters, or in one of the redemption cities, and with the additional restriction that all banks, old and new, shall keep one fourth of the coin interest they receive upon their bonds deposited for the security of their notes.

This provision looked forward to the resumption of specie payments, and was the first step that had been taken in that direction by Congress. The $46,000,000 provided for came full $30,000,000 short of equalizing the distribution among the States on the basis of the act of 1865. Under that act the New England States were entitled to less than $40,000,000, but received $110,000,000, and the other Eastern States had an excess of nearly $12,000,000. The most of the friends of the bill desired free banking; that is, the restriction taken off as to the amount and locality of the circulation of national banks, so that people should be left free in every part of the United States to establish national banks wherever and whenever their local wants and necessities demanded them. The profit upon the currency of national banks is less than two per cent., and they will not be established and maintained anywhere unless there be a local demand which will give to them a liberal line of deposits.

But the purpose of this letter is not to enter into the defense of the second section of the bill, but to remove a misapprehension that appears to prevail in regard to the first. Whether the volume of the currency is sufficient for the business of the country is a question of fact about which men may honestly differ. During the four years preceding the panic there had been an actual contraction of the currency, and a much larger comparative contraction resulting from the growth of population and business. A majority of Congress were of the opinion that, to produce a restoration of confidence, a speedy revival of business, and a return to the prosperity which was so suddenly destroyed by the panic, some addition should be made to the volume of the currency.

That the bill which has failed to become a law would have produced some contraction is undoubtedly true. But it would have been almost entirely in the stock market in New York. It is a well-understood fact that the reserves of the western and southern banks kept in New York have been loaned by the New York banks almost exclusively upon call to dealers in stocks, and have thus contributed to stimulate unwholesome speculation, and have been of very little benefit to the mercantile or manufacturing community. The evil resulting from this fact was strikingly illustrated during the panic last fall. The stock brokers, who had borrowed the money, were not able to repay the New York banks, and they in turn were unable to pay the country banks from which the money had been received, and thus the disaster of the panic was greatly aggravated.

This bill in effect required the banks outside of the redemption cities to keep three-fourths of

*[The new Currency Act, passed by Forty-Third Congress, settles this question affirmatively.—*Editor.*]

their reserve at home, and would have withdrawn some millions from the stock market in New York, which would strengthen the banks to which they belonged, and would have produced contraction in a quarter where it is pretty well understood that contraction would do no harm.

The act of 1869, to strengthen the public credit, declares that "the United States solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin." In the debate upon this bill nobody has denied the character or binding force of that pledge, but the question as to the "practicable period" for its performance remains as open as it was upon the day it was passed. Very few members of either house of Congress have agreed upon any method for the resumption of specie payment. A few are in favor of hoarding the gold in the Treasury until enough has been acquired to begin the redemption of the notes. Others have proposed to acquire the requisite amount of gold by selling our bonds in Europe; others to fund a portion of the legal tender notes in bonds bearing five per cent. interest, and retire them in that way, and to bring the rest to par by contraction; others to fund them into a bond bearing five per cent. interest, to be reissued and again funded. While the Government is pledged to redeem the legal tender notes in coin at the earliest practicable period, while the purpose to do so should ever be kept in view, yet that period is by many not deemed to be practicable when there is great stagnation of business, much labor unemployed, and the revenues largely fallen off, and much distress and suffering in every part of the country.

Very truly, yours, O. P. MORTON.

Note G.

CORRESPONDENCE BETWEEN THE COMPTROLLER OF THE CURRENCY AND HON. IRA B. HYDE RELATIVE TO "UNASSIGNED CIRCULATION."

[From Congressional Record, May 20, 1874.]

HOUSE OF REPRESENTATIVES,
WASHINGTON, D. C., *April* 22, 1874.

DEAR SIR: The President, in his veto message to-day, states that there is still $4,000,000 of national bank currency remaining in the Treasury subject to the demand of sections desiring it that have secured less than their quota.

I do not pretend to give his exact language, not having seen the message, but I think the above is the substance.

Missouri has received far less than her quota of such currency. Why is she not entitled to a part of this $4,000,000? There is a demand for it from the section I represent, but no effort was made because it was understood that none could be had.

Will you please inform me at your earliest convenience whether any part of this currency can be had to establish national banks in Missouri, and oblige your obedient servant,

IRA B. HYDE.

Hon. JOHN JAY KNOX,
Comptroller of the Currency.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
WASHINGTON, *April* 24, 1874.

SIR: I have received your letter of the 22d instant.

The $4,200,000 of circulation referred to in the President's message was long since assigned to applicants in the States which were deficient, in accordance with the act of July 12, 1870, and all applications from Missouri with proper indorsements have been granted whenever there was any circulation at my disposal.

During the month of March letters were addressed to all applicants, requiring that the necessary amount of bonds to secure circulation should be deposited within thirty days or circulation would be distributed to other applicants, and, as far as practicable, such currency has been redistributed to the States to which it was originally allotted. Four small banks in your State have been recently authorized, circulation to be supplied from circulation previously assigned to parties who had failed to perfect their organizations, and no applications with the proper indorsements are now on file in this office from your State. Very respectfully,

JOHN JAY KNOX, *Comptroller.*

Hon. IRA B. HYDE, *House of Representatives.*

HOUSE OF REPRESENTATIVES,
WASHINGTON, D. C., *April* 25, 1874.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant in reply to mine of the 22d.

I am not quite sure that I understand your answer to the *main point* of my inquiry, which is this, *have you now at your disposal* any national bank circulation which you could grant for a new bank in the State of Missouri, provided the application, properly indorsed, was to be *immediately made?*

Very respectfully, yours, IRA B. HYDE.

Hon. JOHN JAY KNOX,
Comptroller of the Currency.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY.
WASHINGTON, *April* 27, 1874.

SIR: I have received your letter of the 25th instant.

There is no currency at this date at my disposal for the organization of additional national banks. I write to-day to a national bank in the city of Saint Louis who are entitled to $100,000 of additional circulation. If they are not prepared to deposit the necessary amount of bonds, I can then organize the national bank proposed by you.

Very respectfully,

JOHN JAY KNOX, *Comptroller.*

Hon. IRA B. HYDE, *House of Representatives.*

XII.

PRESIDENT GRANT'S CABINET, AND MEMBERS OF THE FORTY-THIRD CONGRESS.

The Cabinet.

Secretary of State—Hamilton Fish, of New York.
Secretary of the Treasury—Benjamin H. Bristow, of Kentucky, June 4, 1874, *vice* William A. Richardson, of Massachusetts, appointed a judge of the Court of Claims.
Secretary of War—William W. Belknap, of Iowa.
Secretary of the Navy—George M. Robeson, of New Jersey.
Secretary of the Interior—Columbus Delano, of Ohio.
Postmaster General—Marshall Jewell, of Connecticut, vice John A. J. Creswell, of Maryland, resigned July 1, 1874.
Attorney General—George H. Williams, of Oregon.

Members of Forty-Third Congress.

First session, December 1, 1873—June 23, 1874.

The Senate.

HENRY WILSON, of Massachusetts, *Vice President of the United States, and President of the Senate.*
George C. Gorham, of California, *Secretary.*
Maine—Lot M. Morrill, Hannibal Hamlin.
New Hampshire—Bainbridge Wadleigh, Aaron H. Cragin.
Vermont—Justin S. Morrill, George F. Edmunds.
Massachusetts—George S. Boutwell, William B. Washburn.*
Rhode Island—Henry B. Anthony, William Sprague.
Connecticut—Orris S. Ferry, William A. Buckingham.
New York—Roscoe Conkling, Reuben E. Fenton.
New Jersey—Frederick T. Frelinghuysen, John P. Stockton.
Pennsylvania—Simon Cameron, John Scott.
Delaware—Eli Saulsbury, Thomas F. Bayard.
Maryland—George R. Dennis, William T. Hamilton.
Virginia—John W. Johnston, John F. Lewis.
North Carolina—Augustus S. Merrimon, Matthew W. Ransom.
South Carolina—John J. Patterson, Thomas J. Robertson.
Georgia—John B. Gordon, Thomas M. Norwood.
Alabama—George Goldthwaite, George E. Spencer.†
Mississippi—James L. Alcorn, Henry R. Pease.‡
Louisiana—J. Rodman West, (vacancy.)§
Ohio—Allen G. Thurman, John Sherman.
Kentucky—Thomas C. McCreery, John W. Stevenson.
Tennessee—Henry Cooper, William G. Brownlow.
Indiana—Daniel D. Pratt, Oliver P. Morton.
Illinois—John A. Logan, Richard J. Oglesby.
Missouri—Lewis V. Bogy, Carl Schurz.
Arkansas—Powell Clayton, S. W. Dorsey.
Michigan—Zachariah Chandler, Thomas W. Ferry.
Florida—Simon B. Conover, Abijah Gilbert.
Texas—Morgan C. Hamilton, James W. Flanagan.
Iowa—William B. Allison, George G. Wright.
Wisconsin—Timothy O. Howe, Matthew H. Carpenter.
California—Aaron A. Sargent, John S. Hager.*
Minnesota—Alexander Ramsey, William Windom.
Oregon—John H. Mitchell, James K. Kelly.
Kansas—John J. Ingalls, James M. Harvey.†
West Virginia—Henry G. Davis, Arthur I. Boreman.
Nevada—John P. Jones, William M. Stewart.
Nebraska—Phineas W. Hitchcock, Thomas W. Tipton.

House of Representatives.

JAMES G. BLAINE, of Maine, *Speaker.*
Edward McPherson, of Pennsylvania, *Clerk.*
Maine—John H. Burleigh, William P. Frye, James G. Blaine, Samuel F. Hersey,‡ Eugene Hale—5.
New Hampshire—William B. Small, Austin F. Pike, Hosea W. Parker—3.
Vermont—Charles W. Willard, Luke P. Poland, George W. Hendee—3.
Massachusetts—James Buffinton, Benjamin W. Harris, Henry L. Pierce, Samuel Hooper, Daniel W. Gooch, Benjamin F. Butler, E. Rockwood Hoar, John M. S. Williams, George F. Hoar, Alvah Crocker, Henry L. Dawes—11.
Rhode Island—Benjamin T. Eames, James M. Pendleton—2.
Connecticut—Joseph R. Hawley, Stephen W. Kellogg, Henry H. Starkweather, William H. Barnum—4.
New York—Henry J. Scudder, John G. Schumaker, Stewart L. Woodford, Philip S. Crooke, William R. Roberts, Samuel S. Cox, Thomas J. Creamer, John D. Lawson, David B. Mellish,§ Fernando Wood, Clarkson N. Potter, Charles St. John, John O. Whitehouse, David M. DeWitt, Eli Perry, James S. Smart, Robert S. Hale, William A. Wheeler, Henry H. Hathorn, David

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*Qualified May 1, 1874, to fill the vacancy caused by the death of Charles Sumner, March 12, 1874.
†Election contested by Francis W. Sykes, May 28, 1874. The Senate declared Mr. Spencer entitled to the seat after an amendment declaring Mr. Sykes entitled was rejected—yeas 11, nays 33.
‡Qualified February 12, 1874, to fill the vacancy caused by the resignation of Adelbert Ames.
§Claimed by Pinckney B. S. Pinchback and W. L. McMillan, but not awarded to either.

*Qualified February 9, 1874, to fill the vacancy caused by the resignation of Eugene Casserly.
†Qualified February 12, 1874, in place of Robert Crozier, appointed by the Governor to fill the vacancy caused by the resignation of Alexander Caldwell.
‡Qualified December 15, 1873.
§Died May 23, 1874.

Wilber, Clinton L. Merriam, Ellis H. Roberts, William E. Lansing, R. Holland Duell, Clinton D. McDougall, William H. Lamport, Thomas C. Platt, H. Boardman Smith, Freeman Clarke, George G. Hoskins, Lyman K. Bass, Walter L. Sessions, Lyman Tremain—33.

New Jersey—John W. Hazelton, Samuel A. Dobbins, Amos Clark, Jr., Robert Hamilton, William Walter Phelps, Marcus L. Ward, Isaac W. Scudder—7.

Pennsylvania—Samuel J. Randall, Charles O'Neill, Leonard Myers, William D. Kelley, Alfred C. Harmer, James S. Biery, Washington Townsend, Hiester Clymer, A. Herr Smith, John W. Killinger, John B. Storm, Lazarus D. Shoemaker, James D. Strawbridge, John B. Packer, John A. Magee, John Cessna, R. Milton Speer, Sobieski Ross, Carlton B. Curtis, Hiram L. Richmond, Alexander W. Taylor, James S. Negley, Ebenezer McJunkin, William S. Moore, Lemuel Todd, Charles Albright, Glenni W. Scofield—27.

Delaware—James R. Lofland—1.

Maryland—Ephraim K. Wilson, Stevenson Archer, William J. O'Brien, Thomas Swann, William J. Albert, Lloyd Lowndes, Jr.—6.

Virginia—James B. Sener, James H. Platt, Jr., J. Ambler Smith, William H. H. Stowell, Christopher Y. Thomas,* Thomas Whitehead, John T. Harris, Eppa Hunton, Rees T. Bowen—9.

North Carolina—Clinton L. Cobb, Charles R. Thomas, Alfred M. Waddell, William A. Smith, James M. Leach, Thomas S. Ashe, William M. Robbins, Robert B. Vance—8.

South Carolina—Joseph H. Rainey, Alonzo J. Ransier, Robert B. Elliott, Alexander S. Wallace, Richard H. Cain—5.

Georgia—Andrew Sloan,† Richard H. Whiteley,‡ Philip Cook, Henry R. Harris, James C. Freeman, James H. Blount, Pierce M. B. Young, Alexander H. Stephens, Hiram P. Bell—9.

Alabama—Frederick G. Bromberg, James T. Rapier, Charles Pelham, Charles Hays, John H. Caldwell, Joseph H. Sloss, Alexander White, Christopher C. Sheats—8.

Mississippi—Lucius Q. C. Lamar, Albert R. Howe, Henry W. Barry, Jason Niles, George C. McKee, John R. Lynch—6.

Louisiana—J. Hale Sypher,§ Lionel A. Sheldon,§ Chester B. Darrall, George L. Smith,‖ Frank Morey, (Vacancy.¶)—6.

Ohio—Milton Sayler, Henry B. Banning, John Q. Smith, Lewis B. Gunkel, Charles N. Lamison, Isaac R. Sherwood, Lawrence T. Neal, William Lawrence, James W. Robinson, Charles Foster, Hezekiah S. Bundy, Hugh J. Jewett, Milton I. Southard, John Berry, William P. Sprague, Lorenzo Danford, Laurin D. Woodworth, James Monroe, James A. Garfield, Richard C. Parsons—20.

Kentucky—Edward Crossland, John Young Brown, Charles W. Milliken, William B. Read, Elisha D. Standeford, William E. Arthur, James B. Beck, Milton J. Durham, George M. Adams, John D. Young—10.

Tennessee—Roderick R. Butler, Jacob M. Thornburgh, William Crutchfield, John M. Bright, Horace H. Harrison, Washington C. Whitthorne, John D. C. Atkins, David A. Nunn, Barbour Lewis, Horace Maynard—10.

Indiana—William E. Niblack, Simeon K. Wolfe, William S. Holman, Jeremiah M. Wilson, John Coburn, Morton C. Hunter, Thomas J. Cason, James N. Tyner, John P. C. Shanks,* Henry B. Sayler, Jasper Packard, Godlove S. Orth, William Williams—13.

Illinois—John B. Rice, Jasper D. Ward, Charles B. Farwell, Stephen A. Hurlbut, Horatio C. Burchard, John B. Hawley, Franklin Corwin, Greenbury L. Fort, Granville Barrere, William H. Ray, Robert M. Knapp, James C. Robinson, John McNulta, Joseph G. Cannon, John R. Eden, James S. Martin, William R. Morrison, Isaac Clements, Samuel S. Marshall—19.

Missouri—Edwin O. Stanard, Erastus Wells, William H. Stone, Robert A. Hatcher, Richard P. Bland, Harrison E. Havens, Thomas T. Crittenden, Abram Comingo, Isaac C. Parker, Ira B. Hyde, John B. Clark, jr., John M. Glover, Aylett H. Buckner—13.

Arkansas—Asa Hodges,† Oliver P. Snyder, Thomas M. Gunter,‡ William J. Hynes—4.

Michigan—Moses W. Field, Henry Waldron, George Willard, Julius C. Burrows, William B. Williams, Josiah W. Begole, Omar D. Conger, Nathan B. Bradley, Jay A. Hubbell—9.

Florida—Josiah T. Walls, William J. Purman—2.

Texas—William S. Herndon, William P. McLean, DeWitt C. Giddings, John Hancock, Roger Q. Mills, Asa H. Willie—6.

Iowa—George W. McCrary, Aylett R. Cotton, William G. Donnan, Henry O. Pratt, James Wilson, William Loughridge, John A. Kasson, James W. McDill, Jackson Orr—9.

Wisconsin—Charles G. Williams, Gerry W. Hazelton, J. Allen Barber, Alexander Mitchell, Charles A. Eldredge, Philetus Sawyer, Jeremiah M. Rusk, Alexander S. McDill—8.

California—Charles Clayton, Horace F. Page, John K. Luttrell, Sherman O. Houghton—4.

Minnesota—Mark H. Dunnell, Horace B. Strait, John T. Averill—3.

Oregon—James W. Nesmith—1.

Kansas—David P. Lowe, Stephen A. Cobb, William A. Phillips—3.

West Virginia—John J. Davis,§ J. Marshall Hagans,§ Frank Hereford—3.

Nevada—Charles W. Kendall—1.

Nebraska—Lorenzo Crounse—1.

Total number of Representatives.....292

Number of Delegates..... 10

*Qualified March 6, 1874, in place of Alexander M. Davis, unseated without a division.

†Qualified March 24, 1874, in place of Morgan Rawls, unseated by a vote of 133 to 77.

‡Qualified January 5, 1874.

§Qualified December 2, 1873.

‖Qualified December 3, 1873.

¶Claimed by Pinckney B. S. Pinchback and George A. Sheridan, but not awarded to either. the House, June 9, 1874, having voted, 145 to 72, that Mr. Sheridan was not elected, and 121 to 94 that Mr. Pinchback was not elected, a right to contest being awarded to both.

*Qualified December 8, 1873.

†Qualified February 5, 1874.

‡Qualified June 16, 1874, in place of William W. Wilshire, who qualified February 18, under a resolution of the House, yeas 118, nays 96, declaring him entitled *prima facie* to a seat, and who was unseated, on a contest, without a division.

§Qualified January 27, 1874—Mr. Davis being declared entitled to the seat, yeas 137, nays 81; Mr. Hagans, yeas 115, nays 75.

XIII.

FINANCIAL PROPOSITIONS, VOTES, AND ACTION.

Finances—"Legal Tender" and Bank Note Currency—Free Banking—Abolition of Reserves, &c.

A large part of the session was spent in debate upon, and consideration of, the multitude of propositions made on this subject. The record is so voluminous as to make its condensation a necessity. The effort has been, in the subjoined pages, to present the more important facts of the case.

I. The Senate Distribution Bill.

IN SENATE.

1874, February 3—Mr. SHERMAN, from the Committee on Finance, reported a bill (S. 432) to amend "An act to provide for the redemption of the three per cent. temporary loan certificates, and for an increase of national bank notes," approved July 12, 1870; which was read and passed to a second reading, as follows:

Be it enacted, &c., That so much of the act entitled "An act to provide for the redemption of the three per centum temporary loan certificates, and for an increase of national bank notes," as provides that no circulation shall be withdrawn, under the provisions of section six of said act, until after the fifty-four millions granted in section one of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith to carry into execution the provisions of section six of said act, and, to enable him to do so, he is hereby authorized and required, from time to time, as needed for the execution of the said section, to make requisitions upon each of the national banks described in said section, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation, and, upon the return of the circulation required, or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 2. That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section forty-nine of the national currency act approved June third, eighteen hundred and sixty-four, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be any excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national bank depositories of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation or to deposit lawful money as required, to assort and return to the Treasury for redemption the notes of such associations as they shall come into their hands until the amount required shall be redeemed.

SEC. 3. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency to issue circulating notes in the manner and proportion now provided by law, to associations organized or to be organized in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of eighteen hundred and seventy: *Provided*, That the whole amount of circulation issued to such banking associations, and withdrawn and redeemed from banking associations under the provisions of this act, shall not exceed twenty-five million dollars, and that such circulation shall from time to time be withdrawn and redeemed only as it shall be necessary to supply banks in those States having less than their apportionment.

This bill was considered, debated, amended, and then laid aside, with a view to consider a new bill reported by Mr. SHERMAN from the Finance Committee, (S. 612,) as follows:

II. The Senate Currency Bill.

That the maximum limit of United States notes is hereby fixed at three hundred and eighty-two million dollars, at which amount it shall remain until reduced as hereinafter provided.

SEC. 2. That on the first day of January, eighteen hundred and seventy-six, the Secretary of the Treasury is authorized and required to pay on demand, at the office of the Treasurer of the United States, and at the office of the Assistant Treasurer in the city of New York, to any holder of United States notes to the amount of one thousand dollars, or any multiple thereof, in exchange for such notes, an equal amount of the gold coin of the United States; or, in lieu of coin, he may, at his option, issue in exchange for said notes an equal amount of coupon or registered bonds of the United States, in such form as he may prescribe, and of denominations of fifty dollars, or some multiple of that sum, redeemable in coin of the present standard value,

at the pleasure of the United States, after ten years from the date of their issue, and bearing interest, payable quarterly in such coin, at the rate of five per centum per annum. And the Secretary of the Treasury may reissue the United States notes so received, or, if they are canceled, may issue United States notes to the same amount, either to purchase or redeem the public debt, or to meet the current payments for the public service. And the said bonds, and the interest thereon, shall be exempt from the payment of all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority; and the said bonds shall have set forth and expressed upon their face the above specified conditions, and shall, with their coupons, be made payable at the Treasury of the United States.

SEC. 3. That national banking associations may be organized in any State or Territory, including the District of Columbia, having a less proportion of national bank circulation than the State of New York, according to the apportionment made upon the basis of population and wealth by the annual report of the Comptroller of the Currency for eighteen hundred and seventy-three, until each State and Territory and said District, respectively, has an amount of such bank circulation equal to such proportion of notes then outstanding in the State of New York; and all banks organized under this section shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now, or hereafter to be, prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by the "national currency act," approved June third, eighteen hundred and sixty-four, and section six of the act entitled "An act to provide for the redemption of the three per centum temporary loan certificates, and for an increase of national bank notes," approved July twelfth, eighteen hundred and seventy, be, and is hereby, repealed.

SEC. 4. That within thirty days after circulating notes to the amount of one million dollars shall be issued to national banking associations under the preceding section, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to seventy per centum of the circulating notes so issued, which shall be in further reduction of the volume of three hundred and eighty-two million dollars fixed by the preceding section; and such reduction shall continue until the aggregate amount of United States notes outstanding shall be three hundred million dollars. And for that purpose he is authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States, of the character and description prescribed in the second section of this act, for United States notes to be then retired and canceled.

SEC. 5. That each national banking association, now organized or hereafter to be organized, shall keep and maintain as a part of its reserve required by law one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits; and that hereafter only one-fourth of the reserve now prescribed by law for national banking associations shall consist of balances due to an association available for the redemption of its circulating notes from associations in cities of redemption, and upon which balances no interest shall be paid.

SEC. 6. That nothing in this act shall be construed to authorize any increase of the principal of the public debt of the United States.

March 25—Mr. SCHURZ moved to amend the first section so as to make the maximum limit of United States notes $356,000,000, which was disagreed to—yeas 18, nays 40.

YEAS—Messrs. Anthony, *Bayard*, Chandler, Conkling, Cragin, FENTON, Ferry of Connecticut, Frelinghuysen, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Morrill of Maine, Morrill of Vermont, Sargent, *Saulsbury*, SCHURZ, Stewart—18.

NAYS—Messrs. Allison, *Bogy*, Boreman, Boutwell, Buckingham, Carpenter, Conover, *Cooper*, *Davis*, Ferry of Michigan, *Goldthwaite*, *Gordon*, Harvey, Hitchcock, Howe, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, *Norwood*, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, *Ransom*, Robertson, Scott, Sherman, Spencer, Sprague, *Stevenson*, *Thurman*, TIPTON, West, Windom—40.

Mr. WRIGHT moved to strike out the first section and insert: "That the maximum amount of United States notes is hereby fixed at $400,000,000."

Mr. MORRILL of Vermont moved to amend the amendment by adding at the end thereof—"at which amount it shall remain until reduced as hereinafter provided," which was disagreed to—yeas 26, nays 31.

YEAS—Messrs. Anthony, *Bayard*, Buckingham, Chandler, Conkling, *Cooper*, Cragin, *Davis*, FENTON, Ferry of Connecticut, Frelinghuysen, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, Morrill of Maine, Morrill of Vermont, Sargent, *Saulsbury*, SCHURZ, Sherman, *Stevenson*, Stewart, *Thurman*, Wadleigh—26.

NAYS—Messrs. Allison, *Bogy*, Boreman, Carpenter, Conover, Ferry of Michigan, *Goldthwaite*, *Gordon*, Harvey, Hitchcock, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, *Norwood*, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, *Ransom*, Robertson, Spencer, Sprague, TIPTON, West, Windom—31.

Mr. WRIGHT'S amendment was agreed to—yeas 31, nays 26:

YEAS—Messrs. Allison, *Bogy*, Boreman, Carpenter, Conover, Ferry of Michigan, *Goldthwaite*, *Gordon*, Harvey, Hitchcock, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, *Norwood*, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, *Ransom*, Robertson, Spencer, Sprague, TIPTON, West, Windom—31.

NAYS—Messrs. Anthony, *Bayard*, Buckingham, Chandler, Conkling, *Cooper*, Cragin, *Davis*, FENTON, Ferry of Connecticut, Frelinghuysen, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, Morrill of Maine, Morrill of Vermont, Sargent, *Saulsbury*, SCHURZ, Sherman, *Stevenson*, Stewart, *Thurman*, Wadleigh—26.

Mr. MERRIMON moved to strike out all after the enacting clause and insert the following:

"That the maximum limit of the United States notes for circulation is hereby fixed at $400,000,000, at which sum it shall remain. That $46,000,000 in notes for circulation, in addition to such circulation now allowed by law, shall be issued to national banking associations now organized and which may be organized hereafter; and such increased circulation shall be distributed among the several States as provided in section 1 of the act entitled 'An act to provide for the redemption of the three per cent. temporary-loan certificates, and for an increase of national bank notes,' approved July 12, 1870."

March 27—Mr. MORTON moved as an amendment to the amendment, to strike out the second section of the bill.

March 30—Mr. MORTON'S motion was agreed to—yeas 28, nays 23:

YEAS—Messrs. Allison, *Bogy*, Boreman, Carpenter, Conover, *Dennis*, Ferry of Michigan, *Gordon*, Harvey, Hitchcock, Howe, Ingalls, *Johnston*, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, *Norwood*, Oglesby, J. J. Patterson, Pease, Ramsey, Robertson, Spencer, Sprague, TIPTON, Windom—28.

NAYS—Messrs. Anthony, *Bayard*, Chandler, Conkling, *Cooper*, Cragin, *Davis*, FENTON, Frelinghuysen, *Hager*, HAMILTON of Texas, Hamlin, Jones, Morrill of Maine, Morrill of Vermont, Pratt, Sargent, *Saulsbury*, SCHURZ, Sherman, Stewart, *Thurman*, Wadleigh—23.

Mr. MORTON moved to strike out the fourth section of the bill.

March 31—Mr. MORRILL of Vermont moved to amend the fourth section of the bill by inserting "90" per cent. instead of "70;" which was disagreed to—yeas 20, nays 37:

YEAS—Messrs. Anthony, *Bayard*, Chandler, Conkling, *Cooper*, Cragin, FENTON, Frelinghuysen, *Hager*, *Hamilton* of Maryland, Hamlin, Jones, Morrill of Maine, Morrill of Vermont, Sargent, *Saulsbury*, SCHURZ, Stewart, *Stockton*, Wadleigh—20.

NAYS—Messrs. Allison, *Bogy*, Boreman, Carpenter, Conover, *Davis*, *Dennis*, Ferry of Michigan, *Goldthwaite*, *Gordon*, HAMILTON of Texas, Harvey, Hitchcock, Howe, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, *Norwood*, Oglesby, J. J. Patterson, Pease, Pratt, *Ransom*, Robertson, Scott, Sherman, Spencer, Sprague, *Thurman*, TIPTON, West, Windom—37.

Mr. MORTON'S motion to strike out the fourth section of the bill was agreed to—yeas 29, nays 27:

YEAS—Messrs. Allison, *Bogy*, Boreman, Carpenter, Conover, *Dennis*, Ferry of Michigan, *Goldthwaite*, *Gordon*, Harvey, Hitchcock, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, Oglesby, J. J. Patterson, Pease, Pratt, *Ransom*, Robertsen, Spencer, Sprague, TIPTON, West—29.

NAYS—Messrs. Anthony, *Bayard*, Buckingham, Chandler, Conkling, *Cooper*, Cragin, *Davis*, FENTON, Frelinghuysen, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, Jones, Morrill of Maine, Morrill of Vermont, Sargent, *Saulsbury*, SCHURZ, Sherman, Stewart, *Stockton*, *Thurman*, Wadleigh, Windom—27.

Mr. LOGAN moved to strike out the third section of the bill and insert the following:

National banking associations may be organized in any State or Territory, including the District of Columbia, having a less proportion of national bank circulation than the State of Pennsylvania, according to the apportionment made upon the basis of population and wealth by the annual report of the Comptroller of the Currency for 1873, until each State and Territory and said District, respectively, has an amount of such bank circulation equal to such proportion of notes then outstanding in the State of Pennsylvania; and all banks organized under this section shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by the "national currency act," approved June 3, 1864, and section 6 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary loan certificates, and for an increase of national bank notes," approved July 12, 1870, be, and is hereby, repealed.

Mr. BUCKINGHAM moved to amend Mr. LOGAN'S amendment by striking out all after the word "That" and inserting the following:

"On and after the 1st day of January, 1875, United States legal tender notes in sums of $1,000, and its multiple, shall, on demand by the holder thereof, be redeemed by the Treasurer of the United States, either with coin or with United States bonds, at par, as he shall elect. The principal of such bonds shall be payable in coin in ten years from the 1st day of January, in the year in which they may be issued, and shall bear interest, payable semi-annually in coin at the rate of five per cent., and shall be free from State and municipal taxation."

Which was disagreed to—yeas 21, nays 30:

YEAS—Messrs. Anthony, *Bayard*, Buckingham, Chandler, Conkling, *Cooper*, Cragin, *Davis*, FENTON, Frelinghuysen, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, Jones, Morrill of Maine, Morrill of Vermont, Sargent, SCHURZ, Sherman, *Stockton*—21.

NAYS—Messrs. Allison, *Bogy*, Boreman, Conover, *Dennis*, Ferry of Michigan, *Goldthwaite*, *Gordon*, Harvey, Hitchcock, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, *Norwood*, Oglesby, J. J. Patterson, Pease, *Ransom*, Robertson, Spencer, Sprague, *Thurman*, TIPTON, West, Windom—30.

April 2—Mr. MERRIMON moved to strike out the third section of the bill and insert the following:

"That $46,000,000 in notes for circulation, in addition to such circulation now allowed by law, shall be issued to national banking associations now organized or which may be organized hereafter; and such increased circulation shall be distributed among the several States as provided in section 1 of the act entitled 'An act to provide for the redemption of the 3 per cent. temporary loan certificates, and for an increase

of national bank notes,' approved July 12, 1870."

Mr. DAVIS moved to strike out all after the word "That," in Mr. MERRIMON's amendment, and to insert the following:

"So much of the act entitled 'An act to provide for the redemption of the 3 per cent. temporary loan certificates, and for an increase of national bank notes,' as provides that no circulation shall be withdrawn, under the provisions of section 6 of said act, until after the fifty-four millions granted in section 1 of said act, shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of Currency, under the direction of the Secretary of the Treasury, to proceed forthwith to carry into execution the provisions of section 6 of said act, and to enable him to do so, he is hereby authorized and required, from time to time, as needed for the execution of the said section, to make requisitions upon each of the national banks described in said section, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation, and upon the return of the circulation required, or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

"That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be any excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, Assistant Treasurers, designated depositaries, and national bank depositories of the United States, (who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation or to deposit lawful money as required,) to assort and return to the Treasury for redemption the notes of such associations as they shall come into their hands until the amount required shall be redeemed.

"That from and after the passage of this act it shall be lawful for the Comptroller of the Currency to issue circulating notes in the manner and proportion now provided by law, to associations organized or to be organized in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870: *Provided*, That the whole amount of circulation issued to such banking associations, and withdrawn and redeemed from banking associations under the provisions of this act, shall not exceed $50,000,000, and that such circulation shall from time to time be withdrawn and redeemed only as it shall be necessary to supply banks in those States having less than their apportionment."

Which was disagreed to—yeas 20, nays 31:

YEAS—Messrs. Anthony, Conkling, *Cooper*, Cragin, *Davis*, FENTON, Frelinghuysen, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Jones, *Kelly*, Morrill of Vermont, Sargent, *Saulsbury*, SCHURZ, Sherman, *Thurman*, Wadleigh—20.

NAYS—Messrs. Allison, *Bogy*, Boreman, Carpenter, Clayton, Conover, Ferry of Connecticut, Ferry of Michigan, *Goldthwaite*, *Gordon*, Harvey, Hitchcock, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, *Norwood*, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, TIPTON, West, Windom—31.

Mr. MERRIMON's amendment was agreed to—yeas 33, nays 19:

YEAS—Messrs. Allison, *Bogy*, Boreman, Carpenter, Clayton, Conover, Davis, Ferry of Michigan, *Goldthwaite*, *Gordon*, Harvey, Hitchcock, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, *Norwood*, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Sherman, Spencer, *Thurman*, TIPTON, West, Windom—33.

NAYS—Messrs. Anthony, Boutwell, Chandler, Conkling, *Cooper*, Cragin, Ferry of Connecticut, Frelinghuysen, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Jones, *Kelly*, Morrill of Vermont, Sargent, *Saulsbury*, Stewart, *Stockton*—19.

Mr. FRELINGHUYSEN moved to amend by adding to the first section of the bill the following:

"The surplus revenues of the Government shall be used for the purpose of accumulating coin in the Treasury until the Secretary of the Treasury shall be enabled thereby to redeem United States notes in coin when presented; but this shall not prevent the Secretary of the Treasury from selling gold sufficient to meet all demands on the Treasury which are payable in currency over and above currency receipts, and to keep on hand a proper cash balance for that purpose and to maintain the sinking fund."

The amendment was disagreed to—yeas 16, nays 31:

YEAS—Messrs. Anthony, Conkling, Cragin, Ferry of Connecticut, Frelinghuysen, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, Jones, *Kelly*, Morrill of Vermont, Sargent, Sherman, Stewart, Wadleigh—16.

NAYS—Messrs. Allison, *Bogy*, Boreman, Boutwell, Carpenter, Clayton, Conover, FENTON, Ferry of Michigan, *Goldthwaite*, *Gordon*, Harvey, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Spencer, *Thurman*, TIPTON, West—31.

Mr. THURMAN moved to amend the bill by an additional section, as follows:

"That from and after June 30, 1874, one twentieth of the customs duties shall be payable in United States legal-tender notes, and after June 30, 1875, one tenth, and after June 30, 1876, one fifth thereof may be so paid, whenever the same can be done without violating the pledge made by the act of February 25, 1862, for the payment of the interest on the public debt and providing for the sinking fund."

Which was disagreed to—yeas 19, nays 27:

YEAS—Messrs. *Bogy, Davis,* FENTON, *Hager, Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Jones, *Kelly, McCreery, Merrimon,* Pratt, Ramsey, *Ransom, Saulsbury,* Stewart, *Stockton, Thurman,* TIPTON—19.

NAYS—Messrs. Allison, Anthony, Boreman, Carpenter, Chandler, Clayton, Conkling, Conover, Cragin, Ferry of Connecticut, Frelinghuysen, Harvey, Hitchcock, Howe, *Johnston,* Lewis, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, J. J. Patterson, Pease, Robertson, Scott, Sherman, Spencer—27.

April 6—The question recurring on Mr. MERRIMON's substitute for the entire bill:

Mr. SCOTT moved to amend the substitute by adding to it the following:

"And each national banking association now organized, or hereafter to be organized, shall keep and maintain, as a part of its reserve required by law, one fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits; and that hereafter only one fourth of the reserve now prescribed by law for national banking associations shall consist of balances due to an association available for the redemption of its circulating notes from associations in cities of redemption, and upon which balances no interest shall be paid."

Mr. MERRIMON accepted it, and modified his substitute accordingly.

Mr. CONKLING moved to amend the substitute by adding to it the following section:

"That nothing in this act shall be construed to authorize any increase of the principal of the public debt of the United States."

The amendment was disagreed to—yeas 24, nays 28:

YEAS—Messrs. Allison, Anthony, *Bayard,* Chandler, Conkling, Cragin, *Davis,* FENTON, Frelinghuysen, *Hager, Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, *Kelly,* Morrill of Vermont, Sargent, *Saulsbury,* SCHURZ, Scott, Sherman, Stewart, *Thurman,* Wadleigh—24.

NAYS—Messrs. *Bogy,* Boreman, Cameron, Carpenter, Clayton, Dorsey, Ferry of Michigan, *Goldthwaite, Gordon,* Harvey, Hitchcock, Ingalls, *Johnston,* Lewis, Logan, *McCreery, Merrimon,* Morton, *Norwood,* Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, TIPTON, West, Windom—28.

Mr. HOWE moved to amend the second section of the substitute by adding thereto the following:

"That within thirty days after circulating notes to the amount of $1,000,000 shall be issued to national banking associations under the preceding section, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to 70 per cent. of the circulating notes so issued, which shall be in further reduction of the volume of $400,000,000 fixed by the preceding section; and such reduction shall continue until the whole $46,000,000 of circulating notes shall be issued. And for that purpose he is authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in the second section of this act for United States notes to be then retired and canceled."

The amendment was disagreed to—yeas 25, nays 30:

YEAS—Messrs. Anthony, *Bayard,* Chandler, Conkling, *Cooper,* Cragin, *Davis,* FENTON, Frelinghuysen, *Hager, Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, Jones, *Kelly,* Morrill of Vermont, Sargent, *Saulsbury,* SCHURZ, Scott, Sherman, Stewart, *Thurman,* Wadleigh—25.

NAYS—Messrs. Allison, *Bogy,* Boreman, Cameron, Carpenter, Clayton, Dorsey, Ferry of Michigan, *Goldthwaite, Gordon,* Harvey, Hitchcock, Ingalls, *Johnston,* Lewis, Logan, *McCreery, Merrimon,* Morton, *Norwood,* Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, TIPTON, West, Windom—30.

Mr. MERRIMON'S substitute, as modified, was then agreed to—yeas 29, nays 24:

YEAS—Messrs. Allison, *Bogy,* Boreman, Cameron, Carpenter, Clayton, Dorsey, Ferry of Michigan, *Goldthwaite, Gordon,* Harvey, Hitchcock, Ingalls, *Johnston,* Lewis, Logan, *McCreery, Merrimon,* Morton, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, TIPTON, West, Windom—29.

NAYS—Messrs. Anthony, *Bayard,* Chandler, Conkling, Cragin, *Davis,* FENTON, Frelinghuysen, *Hager, Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, Jones, *Kelly,* Morrill of Vermont, Sargent, *Saulsbury,* SCHURZ, Scott, Sherman, Stewart, *Thurman,* Wadleigh—24.

The bill was reported to the Senate as amended by the one amendment, Mr SCOTT'S.

Mr. SHERMAN moved to amend by substituting for the amendment agreed to as in Committee of the Whole the following:

The maximum amount of United States notes is hereby fixed at $400,000,000, at which amount it shall remain until reduced as hereinafter provided.

SEC. 2. That on the 1st day of January, 1877, the Secretary of the Treasury is authorized and required to pay on demand, at the office of the Treasurer of the United States, and at the office of the assistant treasurer in the city of New York, to any holder of United States notes to the amount of $1,000, or any multiple thereof, in exchange for such notes, an equal amount of the gold coin of the United States; or in lieu of coin he may, at his option, issue in exchange for said notes an equal amount of coupon or registered bonds of the United States, in such form as he may prescribe, and of denominations of fifty dollars or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States, after ten years from the date of their issue, and bearing interest, payable quar-

terly in coin, at the rate of five per cent. per annum. And the Secretary of the Treasury may reissue the United States notes so received, either to purchase or redeem the public debt or to meet the current payments for the public service. And the said bonds and the interest thereon shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the said bonds shall have set forth and expressed upon their face the above specified conditions, and shall, with their coupons, be made payable at the Treasury of the United States.

SEC. 3. That section 21 of the national currency act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said act, be and the same are hereby, repealed; and that section 1 of the "act to provide for the redemption of the three per cent. temporary loan certificates and for an increase of national bank notes," approved July 12, 1870, be amended by repealing the second proviso in said section contained. And all banks organized under this section shall be subject to and be governed by the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by the "national currency act," approved June 3, 1864; and section 6 of the act entitled "An act to provide for the redemption of the three per cent. temporary loan certificates and for an increase of national bank notes," approved July 12, 1870, be and is hereby repealed.

SEC. 4. That within thirty days after circulating notes to the amount of $1,000,000 shall be issued to national banking associations under the preceding section, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to fifty per cent. of the circulating notes so issued, which shall be in further reduction of the volume of $400,000,000 fixed by the preceding section; and such reduction shall continue until the aggregate amount of United States notes outstanding shall be $300,000,000. And for that purpose he is authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States, of the character and description prescribed in the second section of this act, for United States notes to be then retired.

SEC. 5. That each national banking association now organized or hereafter to be organized shall keep and maintain, as a part of its reserve required by law, one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits; and that hereafter only one-fourth of the reserve now prescribed by law for national banking associations shall consist of balances due to an association available for the redemption of its circulating notes from associations in cities of redemption, and upon which balances no interest shall be paid.

SEC. 6. That nothing in this act shall be construed to authorize any increase of the principal of the public debt of the United States.

The amendment to the amendment was disagreed to—yeas 23, nays 28:

YEAS—Messrs. Anthony, Chandler, Conkling, *Cooper*, Cragin, *Davis*, FENTON, Frelinghuysen, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, Jones, *Kelly*, Morrill of Vermont, Sargent, *Saulsbury*, SCHURZ, Scott, Sherman, Stewart, *Thurman*, Wadleigh—23.

NAYS—Messrs. Allison, *Bogy*, Boreman, Cameron, Carpenter, Clayton, Dorsey, Ferry of Michigan, *Goldthwaite*, Harvey, Hitchcock, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Morton, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, TIPTON, West, Windom—28.

The amendment was then agreed to.

The bill was ordered to be engrossed for a third reading, and was read a third time, as follows:

A bill to fix the amount of United States notes and the circulation of national banks, and for other purposes.

Be it enacted, &c., That the maximum amount of United States notes is hereby fixed at $400,000,000.

SEC. 2. That forty-six millions in notes for circulation, in addition to such circulation now allowed by law, shall be issued to national banking associations now organized and which may be organized hereafter, and such increased circulation shall be distributed among the several States as provided in section 1 of the act entitled "An act to provide for the redemption of the three per cent. temporary loan certificates and for an increase of national bank notes," approved July 12, 1870. And each national banking association now organized or hereafter to be organized shall keep and maintain, as a part of its reserve required by law, one fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits; and that hereafter only one-fourth of the reserve now prescribed by law for national banking associations shall consist of balances due to an association available for the redemption of its circulating notes from associations in cities of redemption, and upon which balances no interest shall be paid.

And passed—yeas 29, nays 24, not voting 19:

YEAS—Messrs. Allison, *Bogy*, Boreman, Cameron, Carpenter, Clayton, Dorsey, Ferry of Michigan, *Goldthwaite*, Harvey, Hitchcock, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Morton, *Norwood*, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, TIPTON, West, Windom—29.

NAYS—Messrs. Anthony, Chandler, Conkling, *Cooper*, Cragin, *Davis*, FENTON, Frelinghuysen, *Hayer*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, Jones, *Kelly*, Morrill of Vermont, Sargent, *Saulsbury*, SCHURZ, Scott, Sherman, Stewart, *Thurman*, Wadleigh—24.

ABSENT—Messrs. Alcorn, *Bayard*, Boutwell, Brownlow, Buckingham, Conover, *Dennis*, Edmunds, Ferry of Connecticut, Flanagan, Gilbert, *Gordon*, Mitchell, Morrill of Maine, *Ransom*, Sprague, *Stevenson*, *Stockton*, Wright—19.

IN HOUSE.

April 14—After the passage by the House of

the bill reported from the Banking and Currency Committee of the House, (H. R. 1572,) for which proceedings see beyond, the above bill from the Senate, (S. 617) was taken from the Speaker's table, and passed—yeas 140, nays 102, not voting 48:

YEAS—Messrs. Albright, *Arthur*, *Atkins*, Averill, Barber, Barrere, Begole, *H. P. Bell*, Biery, *Bland*, *Blount*, *Bowen*, Bradley, *Bright*, *Brown*, *Buckner*, Bundy, Burchard, Burrows, B. F. Butler, R. R. Butler, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, Clements, C. L. Cobb, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, *Crittenden*, *Crossland*, Crounse, Crutchfield, Curtis, Darrall, *J. J. Davis*, Dobbins, Donnan, Dunnell, *Durham*, Farwell, Field, Fort, C. Foster, Hagans, Harmer, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Havens, J. B. Hawley, Hays, G. W. Hazelton, *Hereford*, Hodges, Houghton, Howe, Hubbell, Hunter, *Hunton*, Hurlbut, Hyde, HYNES, *Jewett*, Kasson, Killinger, *Knapp*, *Lamison*, B. Lewis, Loughridge, Lowe, Martin, Maynard, McCrary, A. S McDill, J. W. McDill, McJunkin, McKee, McNulta, *Milliken*, Monroe, Morey, L. Myers, *Neal*, Nunn, Orr, Orth, Packard, Packer, I. C. Parker, Pelham, Phillips, Pratt, Purman, Rapier, Ray, Richmond, *Robbins*, J. W. Robinson, Ross, Rusk, Sawyer, *M. Sayler*, Sener, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, A. H. Smith, G. L. Smith, Snyder, *Southard*, Sprague, Stanard, *Standeford*, Stowell, C. Y. Thomas, Tyner, *Vance*, Wallace, J. D. Ward, *Wells*, White, *Whitehead*, Whiteley, C. G. Williams, Williams of Indiana, Wilshire, J. Wilson, J. M. Wilson, Woodworth, *P. M. B. Young*—140.

NAYS—Messrs. *Adams*, Albert, BANNING, *Barnum*, Bass, *J. B. Beck*, BROMBERG, Buffinton, Burleigh, Clayton, *Clymer*, Cotton, *Cox*, *Creamer*, Crooke, Danford, Dawes, *De Witt*, Eames, *Eden*, *Eldredge*, Frye, Garfield, Gooch, Gunckel, E. Hale, R. S. Hale, *Hamilton*, *Hancock*, B. W. Harris, Hathorn, J. R. Hawley, *Herndon*, E. R. Hoar, G. F. Hoar, *Holman*, Hooper, Hoskins, Kelley, Kellogg, *Kendall*, *Lamar*, Lawson, Lofland, Lowndes, *Magee*, *Marshall*, MacDougall, *McLean*, Mellish, Merriam, *Mills*, *Mitchell*, W. S. Moore, *W. E. Niblack*, Niles, O'Neill, Page, *H. W. Parker*, Parsons, Pendleton, *E. Perry*, Phelps, Pierce, Pike, J. H. Platt, T. C. Platt, Poland, *Potter*, Rainey, *Randall*, *Read*, J. B. Rice, E. H. Roberts, *W. R. Roberts*, *J. G. Schumaker*, Scofield, I. W. Scudder, Sessions, Small, Smart, H. B. Smith, J. Q. Smith, *Speer*, Starkweather, St. John, *Stone*, Strawbridge, *Swann*, Tremain, Waldron, Wheeler, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, G. Willard, J. M. S. Williams, *Willie*, *E. K. Wilson*, *Wood*, Woodford—102.

IN SENATE.

April 22—The bill was returned to the Senate by the PRESIDENT, with his objections. (For the message, see chapter XI.)

April 27—In Senate the vote was taken on passing the bill, notwithstanding the objections of the PRESIDENT, and was—yeas 34, nays 30:

YEAS—Allison, *Bogy*, Boreman, Cameron, Carpenter, Clayton, Conover, *Dennis*, Dorsey, Ferry of Michigan, *Goldthwaite*, *Gordon*, Harvey, Hitchcock, Ingalls, *Johnston*, Lewis, Logan, *McCreery*, *Merrimon*, Mitchell, *Norwood*, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, Sprague, TIPTON, West, Windom, Wright—34.

NAYS—Messrs. Anthony, *Bayard*, Boutwell, Buckingham, Chandler, Conkling, Cragin, *Davis*, Edmunds, FENTON, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, Jones, *Kelly*, Morrill of Vermont, Sargent, Scott, Sherman, *Stevenson*, Stewart, *Stockton*, *Thurman*, Wadleigh—30.

Two-thirds not having voted in the affirmative, the bill fell.

III.—The House Currency Bill.

1874—January 29.—Mr. MAYNARD, from the Committee on Banking and Currency, reported the following bill (H. R. 1572) "to amend the several acts providing a national currency, and to establish free banking, and for other purposes." As amended, on Mr. MAYNARD's motion, it is as follows:

Be it enacted, &c. That section thirty-one of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved on the third day of June, in the year eighteen hundred and sixty-four, be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits, in all respects as provided for in the said section.

SEC. 2. That section twenty-one of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said act, be, and the same are hereby, repealed; and that section one of the act entitled "An act to provide for the redemption of the three-per-centum temporary-loan certificates, and for an increase of national bank notes," approved July twelfth, eighteen hundred and seventy, be amended by repealing the second proviso in said section contained. And the act entitled "An act to amend an act entitled 'An act to provide a national currency secured by pledge of United States bonds, and to provide for the circulation and redemption thereof,'" approved on the 3d day of March, 1865, be, and the same is hereby, repealed; and section 21 of the original act to which the act last aforesaid is an amendment be, and the same is hereby, re-enacted.

SEC. 3. That every association organized, or to be organized, under the provisions of the said act, and of the several acts in amendment thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to five per centum of its circulation, to be held and used only for the redemption of such circulation; and when the circulating notes of any such association or associations shall be presented, assorted or unassorted, for

redemption, in sums of one thousand dollars, or any multiple thereof, to the treasurer of the United States, or to an assistant treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Comptroller of the Currency to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; whereupon each association so notified shall forthwith deposit with the Treasurer of the United States a sum, in United States notes, equal to the amount of its circulating notes so redeemed. And when such redemptions have been so reimbursed, the circulating notes so redeemed, or, if worn, mutilated, or defaced, new notes instead, shall be forwarded to the respective associations: *Provided*, That each of said associations shall reimburse to the Treasury the cost of redemption and of supplying new notes in place of those redeemed. And the associations hereafter organized shall also severally reimburse to the Treasury the costs of engraving and printing their circulating notes: *And provided further*, That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of four hundred million dollars, now authorized by existing law.

SEC. 4. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon deposit of lawful money within the meaning of said acts, in sums of not less than ten thousand dollars, with the Treasurer of the United States, withdraw a proportionate amount of bonds deposited in pledge for such circulation; and he shall redeem, cancel, and destroy an amount of the circulating notes of such association equal to the amount issued upon such bonds.

SEC. 5. That sections thirty-one and thirty-two of the said act be amended by requiring that each of the said associations shall keep its lawful money reserves within its own vaults at the place where its operations of discount and deposit are carried on. And all the provisions of the said sections requiring or permitting any of the said associations to keep any portion of its lawful money reserves elsewhere than in its own vaults, or requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this act, are hereby repealed.

SEC. 6. That upon all circulating notes hereafter issued, or hereafter to be issued, whenever the same shall come into the Treasury, in payment or deposit for redemption or otherwise, there shall be printed, under such rules and regulations as the Secretary of the Treasury may prescribe, the charter numbers of the associations by which they are severally issued.

SEC. 7. That associations without circulation may be organized under the provisions of the said act, upon the deposit, with the Treasurer of the United States, of not less than ten thousand dollars of United States registered bonds, as provided in section sixteen of said act; and associations already organized without circulation are authorized to withdraw their bonds in excess of ten thousand dollars.

SEC. 8. That the Secretary of the Treasury is hereby authorized and directed to issue, at the beginning of each and every month from and including July, eighteen hundred and seventy-four, two millions of United States notes not bearing interest, payable in gold two years after date, of such denominations as he shall deem expedient, not less than ten dollars each, in exchange, and as a substitute, for the same amount of the United States notes now in circulation, which shall be canceled and destroyed, and not reissued. And any excess of gold in, or hereafter coming into, the Treasury of the United States, after payment of interest on the public debt, and supplying any deficiency in the revenues provided to meet the current expenses of the Government, shall hereafter be retained as a reserve for the redemption of such notes.

April 9.—Mr. MERRIAM moved a substitute for the bill, the first five sections of which were the same as of the bill, and having this additional section:

SEC. 6. That any national bank desiring to withdraw a portion of its circulation may, upon deposit of United States notes in sums of not less than $9,000 with the Treasurer of the United States, withdraw bonds pledged to secure a like amount of its circulation; and the Treasurer shall redeem, cancel, and destroy an amount of the circulating notes of such association equal to the amount issued upon such bonds: *Provided*, That the bonds on deposit with the Treasurer shall not be reduced below $50,000.

Mr. FARWELL moved as an additional section to Mr. MERRIAM'S substitute the following:

That so much of the fifth section of the act entitled "An act to authorize the issue of United States notes, and for the redemption or funding thereof, and for funding the floating debt of the United States," approved February 25, 1862, as relates to the purchase or payment of 1 per cent. of the entire debt of the United States annually, and the setting the same apart as a sinking fund, be so amended that said purchase of 1 per cent. as therein prescribed shall be applied solely to the non-interest-bearing debt of the United States, known as United States notes, which said notes, when purchased, shall be canceled and forever retired from circulation. The first application of said 1 per cent. to the purposes aforesaid shall be made after the 1st day of July, 1874, and within that fiscal year.

Mr. MITCHELL moved to add to section two of the bill, the following:

Provided, That in case any increase of national bank note circulation beyond the present authorized limit of $354,000,000 shall take place, the Secretary of the Treasury is hereby authorized and directed to retire and cancel legal-tender notes to the extent of such increase until the outstanding and unpaid legal-tender notes shall be reduced to $300,000,000; and for this purpose he is authorized to use any existing surplus revenue, or, in default of any such surplus, to sell 5 per cent. bonds of the Government.

Mr. BIERY moved to amend the bill by striking out its seventh and eighth sections.

A contest here ensued. Mr. MAYNARD called

the previous question on the bill and amendments, but the HOUSE refused to second it—yeas 77, nays 124. Mr. B. F. BUTLER moved to postpone its further consideration till the next Tuesday, stating that his intention was to have the House take up the Senate bill (S. 617) then on Speaker's table. The motion to postpone was agreed to—yeas 133, nays 121. A motion was made to reconsider this vote, and the motion to lay on the table that motion to reconsider the vote on postponement was yeas 126, nays 126, and was lost by the casting vote of the SPEAKER. The motion to reconsider the vote on postponement was then agreed to—yeas 128, nays 120, and the House then refused to postpone—yeas 79, nays 106. The HOUSE then proceeded to vote on the amendments.

April 10—Mr. MITCHELL'S amendment was disagreed to—yeas 79, nays 160:

YEAS—Messrs. Albert, Albright, *Archer*, *Barnum*, Bass, BROMBERG, Buffinton, Burchard, Burleigh, Clayton, *Clymer*, Cotton, *Cox*, Crooke, Dawes, *De Witt*, Eames, Elliott, Frye, Garfield, Gooch, Gunckel, E. Hale, R. S. Hale, *Hamilton*, *Hancock*, B. W. Harris, Hathorn, J. R. Hawley, Hendee, E. R. Hoar, G. F. Hoar, Hooper, Hoskins, Kellogg, *Kendall*, Lawson, B. Lewis, Lowndes, *Luttrell*, MacDougall, *Mitchell*, W. S. Moore, *Nesmith*, Niles, Page, *H. W. Parker*, Pendleton, *E. Perry*, Phelps, Pierce, Pike, J. H. Platt, T. C. Platt, *Potter*, *Read*, J. B. Rice, E. H. Roberts, Sawyer, I. W. Scudder, L. D. Shoemaker, Smart, H. B Smith, J. Q. Smith, Starkweather, *Stone*, Tremain, Waldron, Walls, M. L. Ward, Wheeler, WHITEHOUSE, Wilber, C. W. Willard, G. Willard, J. M. S. Williams, W. B. Williams, *Wood*, Woodford—79.

NAYS—Messrs. *Adams*, *Arthur*, *Ashe*, *Atkins*, Averill, BANNING, Barrere, *J. B. Beck*, Begole, *H. P. Bell*, Biery, *Bland*, *Blount*, *Bowen*, Bradley, *Bright*, *Brown*, *Buckner*, Bundy, Burrows, R. R. Butler, Cain, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, Clements, Coburn, *Comingo*, Conger, *Cook*, Corwin, *Creamer*, *Crittenden*, *Crossland*, Crounse, Crutchfield, Curtis, Danford, *J. J. Davis*, Dobbins, Donnan, Dunnell, *Durham*, *Eden*, *Eldredge*, Farwell, Field, Fort, G. Foster, Freeman, *Giddings*, Hagans, Harmer, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Havens, J. B. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, *Herndon*, *Holman*, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Killinger, *Knapp*, *Lamison*, Lamport, Lansing, *Leach*, Lofland, Loughridge, Lowe, J. R. Lynch, *Marshall*, Martin, Maynard, A. S. McDill, J. W. McDill, McJunkin, *McLean*, McNulta, Mellish, Merriam, *Milliken*, Monroe, Morey, L. Myers, *Neal*, Negley, *W. E. Niblack*, Nunn, O'Neill, Orr, Orth, Packard, Packer, I. C. Parker, Phillips, Pratt, Purman, Rainey, *Randall*, Ransier, Rapier, Ray, Richmond, *Robbins*, J. W. Robinson, Ross, Rusk, *M. Sayler*, Scofield, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, *Sloss*, A. H. Smith, J. A. Smith, Snyder, *Southard*, *Speer*, Sprague, *Standeford*, St. John, Stowell, Strawbridge, *Swann*, C. Y. Thomas, Tyner, *Vance*, *Waddell*, Wallace, J. D. Ward, *Wells*, White, *Whitehead*, Whiteley, *Whitthorne*, C. G. Williams, Williams of Indiana, *Willie*, Wilshire, J. Wilson, J. M. Wilson, Woodworth, *P. M. B. Young*—160.

Mr. BIERY'S amendment, to strike out sections 7 and 8 of the bill, was not agreed to—yeas 68, nays 102.

Mr. FARWELL'S amendment to Mr. MERRIAM'S substitute was disagreed to—yeas 73, nays 162:

YEAS—Messrs. Albert, *Barnum*, Bass, Bradley, BROMBERG, Buffinton, Burleigh, Clayton, *Clymer*, *Cox*, *Creamer*, Dawes, *De Witt*, Eames, Elliott, C. Foster, Frye, Garfield, Gooch, R. S. Hale, *Hamilton*, *Hancock*, B. W. Harris, Hathorn, J. R. Hawley, Hendee, *Herndon*, E. R. Hoar, G. F. Hoar, Hooper, Hoskins, Hubbell, Kellogg, *Kendall*, Lawson, B. Lewis, Lowndes, *Luttrell*, J. W. McDill, MacDougall, Merriam, *Mitchell*, W. S. Moore, Niles, Page, *H. W. Parker*, Parsons, Pendleton, *E. Perry*, Phelps, Pierce, Pike, *Potter*, Ray, J. B. Rice, E. H. Roberts, Sawyer, Sheldon, Smart, J. Q. Smith, Starkweather, Tremain, Waldron, J. D. Ward, Wheeler, WHITEHOUSE, Wilber, C. W. Willard, G. Willard, J. M. S. Williams, W. B. Williams, *Wood*, Woodford—73.

NAYS—Messrs. *Adams*, Albright, *Archer*, *Arthur*, *Ashe*, *Atkins*, Averill, BANNING, Barber, Barrere, *J. B. Beck*, Begole, *H. P. Bell*, Biery, *Bland*, *Blount*, *Bowen*, *Bright*, *Brown*, *Buckner*, Bundy, Burchard, Burrows, *J. H. Caldwell*, Cannon, Cason, Cessna, *J. B. Clark*, Clements, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, Cotton, *Crittenden*, Crooke, *Crossland*, Crounse, Crutchfield, Curtis, Danford, Darrell, *J. J. Davis*, Dobbins, Donnan, Dunnell, *Durham*, *Eden*, *Eldredge*, Field, Fort, Freeman, *Giddings*, Gunckel, Hagans, E. Hale, Harmer, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Havens, J. B. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, Hodges, *Holman*, Houghton, Hunter, Hyde, HYNES, Kasson, Kelley, Killinger, *Knapp*, *Lamar*, *Lamison*, Lansing, *Leach*, Lofland, Loughridge, Lowe, J. R. Lynch, *Marshall*, Martin, Maynard, A. S. McDill, McJunkin, *McLean*, McNulta, Mellish, *Milliken*, Monroe, Morey, L. Myers, *Neal*, Negley, *W. E. Niblack*, Nunn, *O'Brien*, O'Neill, Orr, Orth, Packard, Packer, I. C. Parker, Phillips, T. C. Platt, Pratt, Rainey, *Randall*, Ransier, Rapier, *Read*, Richmond, *Robbins*, J. W. Robinson, Ross, Rusk, *M. Sayler*, Scofield, I. W. Scudder, Sener, Sessions, Shanks, Sheats, I. R. Sherwood, L. D. Shoemaker, *Sloss*, A. H. Smith, H. B. Smith, J. A. Smith, Snyder, *Southard*, *Speer*, Sprague, Stanard, *Standeford*, St. John, *Stone*, Stowell, *Swann*, C. Y. Thomas, Tyner, *Vance*, *Waddell*, Wallace, *Wells*, White, *Whitehead*, Whiteley, *Whitthorne*, C. G. Williams, Williams of Indiana, *Willie*, J. Wilson, J. M. Wilson, Woodworth, *P. M. B. Young*—162.

Mr. MERRIAM'S substitute for the bill was disagreed to—years 69, nays 89, by tellers, the yeas and nays being refused.

The previous question being exhausted—

Mr. MAYNARD moved to amend the bill by striking out its seventh section.

Mr. BIERY moved to amend by striking out the eighth section.

The motion to strike out the seventh section was agreed to—yeas 114, nays 56; the yeas and nays being refused.

The motion to strike out the eighth section was agreed to—yeas 149, nays 95:

YEAS—Messrs. *Adams*, Albright, *Arthur*, *Ashe*, *Atkins*, Averill, BANNING, Barber, Barrere, *J. B.*

Beck, Begole, *H. P. Bell*, *Berry*, Biery, *Bland*, *Blount*, *Bowen*, Bradley, *Bright*, *Brown*, *Buckner*, Bundy, Burrows, B. F. Butler, R. R. Butler, *J. H. Caldwell*, Cannon, Cason, Cessna, *J. B. Clark*, Clements, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, *Crittenden*, *Crossland*, Crounse, Crutchfield, Curtis, Danford, *J. J. Davis*, Donnan, Dunnell, *Durham*, *Eden*, *Eldredge*, Farwell, Field, Fort, Freeman, Gunckel, Hagans, Harmer, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Havens, J. B. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, Hodges, *Holman*, Houghton, Hubbell, Hunter, Hurlbut, Hyde, HYNES, Kasson, Kelley, Killinger, *Knapp*, *Lamar*, *Lamison*, Lamport, *Leach*, Lofland, Loughridge, Lowe, *Marshall*, Martin, Maynard, J. W. McDill, McJunkin, *McLean*, McNulta, Mellish, Merriam, *Milliken*, Monroe, Morey, L. Myers, *Neal*, Negley, *W. E. Niblack*, Nunn, O'Neill, Orr, Orth, Packard, I. C. Parker, Pelham, Phillips, Pratt, *Randall*, Rapier, Ray, Richmond, *Robbins*, J. W. Robinson, Ross, Rusk, *M. Sayler*, Sener, Shanks, Sheats, Sheldon, I. R. Sherwood, A. H. Smith, J. A. Smith, Snyder, *Southard*, Stanard, *Standeford*, St. John, Strawbridge, Tyner, *Vance*, *Waddell*, J. D. Ward, *Wells*, White, *Whitehead*, Whiteley, *Whitthorne*, C. G. Williams, Williams of Indiana, W. B. Williams, Wilshire, J. Wilson, J. M. Wilson, Woodworth, *J. D. Young*, *P. M. B. Young*—149.

NAYS—Messrs. Albert, *Archer*, *Barnum*, Bass, BROMBERG, Buffinton, Burchard, Burleigh, Cain, A. Clark, Clayton, *Clymer*, Cotton, *Cox*, *Creamer*, Crooke, Darrall, Dawes, *De Witt*, Eames, C. Foster, Frye, Garfield, *Giddings*, Gooch, E. Hale, R. S. Hale, *Hamilton*, *Hancock*, B. W. Harris, Hathorn, J. R. Hawley, Hendee, *Herndon*, E. R. Hoar, G. F. Hoar, Hooper, Hoskins, Howe, Kellogg, *Kendall*, Lansing, Lawson, B. Lewis, Lowndes, *Luttrell*, MacDougall, *Mitchell*, W. S. Moore, *Nesmith*, Niles, *O'Brien*, Packer, Page, *H. W. Parker*, Pendleton, *Perry*, Phelps, Pierce, Pike, J. H. Platt, T. C. Platt, *Potter*, Purman, Rainey, Ransier, J. B. Rice, E. H. Roberts, Sawyer, I. W. Scudder, Sessions, L. D. Shoemaker, Smart, H. B. Smith, J. Q. Smith, *Speer*, Sprague, Starkweather, *Stone*, Stowell, *Swann*, C. Y. Thomas, Tremain, Waldron, Wallace, Walls, M. L. Ward, Wheeler, WHITEHOUSE, Wilber, C. W. Willard, G. Willard, J. M. S. Williams, *Willie*, Woodford—95.

Mr. NEGLEY moved to amend the bill by adding to it the following:

SEC. 7. That the amount of United States notes in circulation be limited, except as hereinafter provided, to $400,000,000; and that any holder of said notes presenting any sum not less than fifty dollars, or some multiple thereof, to the Treasury of the United States, or any of the subtreasuries, shall receive in exchange therefor an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of 3.65 per cent. per annum, payable semi-annually, which the Secretary of the Treasury is hereby authorized to prepare and furnish for that purpose; said bonds to mature as follows: One half part in thirty years and one half part in fifty years from the date of the issue thereof; and that, hereafter, when any person shall demand of the Treasurer of the United States or any assistant treasurer, the redemption of said bonds, it shall be the duty of said Treasurer or assistant treasurer to pay in United States notes the principal of said bond or bonds with accrued interest: *Provided*, That nothing in this act contained shall be construed to prevent the reissue of the notes so redeemed, or the receiving and paying out the same, from time to time, by the Government, with full benefit, and subject to all other provisions of law in relation to such notes.

Mr. KELLEY moved to substitute for Mr. NEGLEY's amendment the following:

"That the amount of United States notes in circulation be limited, except as hereinafter provided, to $400,000,000; and that any holder of said notes presenting any sum not less than fifty dollars, or some multiple thereof, to the Treasurer of the United States, or any of the assistant treasurers, shall receive in exchange therefor an equal amount of bonds of the United States, as may by said holder be desired, bearing interest at the rate of 3.65 per cent. per annum, which the Secretary of the Treasury is hereby authorized to prepare and furnish for that purpose; and that when any person shall demand of the Treasurer of the United States, or any assistant treasurer, redemption of said bonds, it shall be the duty of said Treasurer or assistant treasurer to pay in United States notes the principal of said bond or bonds with accrued interest, and cancel and forward the bonds thus redeemed to the Treasurer of the United States forthwith, in such manner as the Secretary may prescribe; and that the Secretary of the Treasury shall cause to be prepared United States notes of the several denominations now in use to the amount of $50,000,000, which shall be held as a reserve or redemption fund for the purpose of securing prompt payment of said bonds when demanded, and the United States notes so held in reserve shall be used only when needed for the payment of said bonds on their presentation, and shall be withdrawn and placed again in reserve out of any United States notes not otherwise appropriated received by the Treasury Department thereafter; and the whole amount of United States notes received by the Treasury Department in exchange for said bonds, bearing 3.65 per cent. interest, shall be appropriated and applied by the Secretary of the Treasury as rapidly as practicable to the purchase or redemption of any bonds of the United States outstanding at the passage of this act, or the purchase of gold with which to redeem and cancel any of said bonds called for redemption by the Treasurer; and that national banks are hereby authorized to hold said bonds bearing 3.65 per cent. interest instead of the reserve of the United States notes now required by law."

Mr. KELLY's substitute for Mr. NEGLEY's amendment was agreed to—yeas 109, nays 78, on a division.

The amendment as thus amended was disagreed to—yeas 120, nays 122:

YEAS—Messrs. Albright, *Arthur*, *Ashe*, *Atkins*, Barber, *J. B. Beck*, Begole, *H. P. Bell*, *Berry*, Biery, *Bland*, *Blount*, *Bowen*, *Bright*, *Brown*, *Buckner*, Burrows, B. F. Butler, Cain, *J. H. Caldwell*, Cason, Cessna, A. Clark, *J. B. Clark*, Coburn, *Comingo*, Conger, *Cook*, *Creamer*, *Crit-*

tenden, Crossland, Crounse, Crutchfield, *J. J. Davis,* Dobbins, Donnan, Dunnell, *Eden, Eldredge,* Elliott, Field, Fort, Freeman, Hagans, Harmer, *H. R. Harris, J. T. Harris,* Harrison, *Hatcher,* Hathorn, Havens, Hays, G. W. Hazelton, J. W. Hazelton, Hodges, *Holman,* Houghton, Hunter, Hyde, HYNES, Kelley, *Kendall,* Killinger, *Lamar, Lamison,* B. Lewis, Lofland, Loughridge, Lowe, *Marshall,* A. S. McDill, McJunkin, *McLean,* McNulta, Mellish, *Milliken,* L. Myers, *Neal, W. E. Niblack,* Nunn, Orr, Orth, Packard, Packer, I. C. Parker, Pelham, Pratt, Purman, Rainey, Ransier, Rapier, Richmond, *Robbins,* Ross, Rusk, Sener, Sessions, Shanks, Sheats, I. R. Sherwood, L. D. Shoemaker, J. A. Smith, Snyder, *Southard,* Sprague, Stanard, Strawbridge, Tyner, *Vance, Waddell,* Wallace, Walls, *Wells,* White, *Whitehead,* Whiteley, J. M. S. Williams, Williams of Indiana, Woodworth, *P. M. B. Young*—120.

NAYS—Messrs. *Adams,* Albert, Averill, *Barnum,* Barrere, Bass, Bradley, BROMBERG, Buffinton, Bundy, Burchard, Burleigh, R. R. Butler, Cannon, Clayton, Clements, *Clymer,* Cotton, *Cox,* Crooke, Curtis, Danford, Darrall, Dawes, *De Witt, Durham,* Eames, Farwell, C. Foster, Frye, Garfield, *Giddings,* Gooch, Gunckel, E. Hale, R. S. Hale, *Hamilton, Hancock,* B. W. Harris, J. B. Hawley, J. R. Hawley, Hendee, *Herndon,* E. R. Hoar, G. F. Hoar, Hooper, Hoskins, Howe, Hubbell, Hurlbut, Kasson, Kellogg, *Knapp,* Lamport, Lansing, Lawson, Lowndes, *Luttrell,* Martin, Maynard, McCrary, J. W. McDill, McDougall, Merriam, *Mitchell,* Monroe, W. S. Moore, Morey, *Nesmith,* Niles, *O'Brien,* O'Neill, Page, *H. W. Parker,* Parsons, Pendleton, *E. Perry,* Phelps, Phillips, Pierce, Pike, J. H. Platt, T. C. Platt, Poland, *Potter, Randall,* Ray, *Read,* J. B. Rice, E. H. Roberts, J. W. Robinson, Sawyer, I. W. Scudder, Smart, A. H. Smith, H. B. Smith, J. Q. Smith, *Speer, Standeford,* Starkweather, St. John, *Stone,* Stowell, *Swann,* C. Y. Thomas, Tremain, J. D. Ward, M. L. Ward, Wheeler, WHITEHOUSE, *Whitthorne,* Wilber, C. W. Willard, G. Willard, C. G. Williams, W. B. Williams, *Willie,* Wilshire, J. Wilson, J. M. Wilson, *Wood,* Woodford—122.

April 11.—Mr. MAYNARD renewed his demand for the previous question on the bill; which was seconded—yeas 105, nays 69.

The House refused to order the main question—yeas 113, nays 120.

Mr. BECK moved to amend the bill by striking out all after the enacting clause and inserting the following:

That the Secretary of the Treasury be, and he is hereby, authorized to issue, in manner as hereinafter prescribed, on the faith and credit of the Government, $400,000,000 of Treasury notes, payable on demand in United States legal-tender notes, at the Treasury and at such United States depositories as the Secretary of the Treasury may designate. Said notes shall be similar in form and appearance to the said legal-tender notes, and may be of denominations not less than one dollar nor more than $10,000, and shall be receivable in payment of all taxes, claims, and demands due to the United States and of all claims and demands against the United States, to the same extent that national bank notes are receivable and no further.

SEC. 2. That the Treasury notes authorized herein to be issued shall only be issued to the extent that national bank notes shall be returned by national banks for cancellation and destruction, as provided in section 9 of this act, and shall only be used in the purchase of the United States bonds commonly called five-twenties.

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to issue from time to time, on demand, in exchange at par for legal-tender notes of the United States, the bonds of the United States in denominations of fifty dollars or any multiple thereof: said bonds to be called United States convertible bonds, to bear interest at the rate 3.65 per cent. per annum, and principal and interest payable on demand in legal-tender notes of the United States.

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to redeem said bonds on demand at the Treasury of the United States, at the offices of the assistant treasurers of the United States, and at such other convenient places within the United States as he may designate for that purpose, and under such regulations as the Secretary of the Treasury may prescribe; and whenever said bonds are presented and paid as aforesaid, the same shall be immediately canceled and stamped with the word "paid" on the face thereof, and the same shall be forwarded to the Treasurer of the United States. The Secretary of the Treasury shall, monthly, cause the bonds so paid to be destroyed in the presence of the Treasurer of the United States and Register of the Treasury, of which destruction a record shall be made showing the date, denomination, number, and date of payment of each bond, in a book to be provided for that purpose, and signed by the officers aforesaid.

SEC. 5. That the $50,000,000 of legal-tender United States notes, authorized by existing laws to be issued in addition to the $400,000,000 contemplated for permanent circulation, shall be prepared and held as a reserve for the redemption and payment of the Treasury notes authorized to be issued by section 1 and of the convertible bonds authorized to be issued by section 3 of this act.

SEC. 6. That the money received in exchange for convertible bonds shall only be used in the purchase of the bonds of the United States called five-twenties, and in keeping a reserve for the payment of the principal and interest of the convertible bonds when demanded, which reserve shall be of such an amount as, in addition to the $50,000,000 mentioned in section 5 of this act, shall be sufficient, in the opinion of the Secretary, to insure their prompt redemption. Whenever any portion of said $50,000,000 shall have been used in the redemption of Treasury notes or convertible bonds, the Secretary of the Treasury is hereby authorized and directed to sell to the highest bidder, for United States legal-tender notes, any of the bonds now authorized by law to be issued for funding the public debt, to an amount sufficient to restore to the Treasury all of said $50,000,000 that shall have been used as aforesaid. Such sale of bonds shall be made upon due notice by advertisement and upon biddings made by sealed proposals.

SEC. 7. That all further issue of national bank

notes to national banks by the Comptroller of the Currency, whether for the renewal of defaced and torn bank notes or for any other purpose, is hereby prohibited.

SEC. 8. That in lieu of the tax of 1 per cent. per annum now imposed by law on the outstanding circulation of national banks, a tax of 3 per cent. per annum, payable semi-annually in gold, shall be collected upon the circulation which has been issued to each national bank which has not been returned for cancellation. This tax shall be collected by withholding one-half of said tax semi-annually from the semi-annual interest upon the registered bonds deposited by said banks as security for their circulation; and if the interest of said registered bonds is payable in currency, there shall be retained of said currency the equivalent of said tax at the market premium on gold, which premium shall be fixed by the Secretary of the Treasury.

SEC. 9. That each national bank may withdraw any part of its United States registered bonds deposited as security for the redemption of its circulation by paying into the proper department of the Treasury $900 of its circulation for each $1,000 of bonds so withdrawn, and may withdraw all of said registered bonds by paying a sum equal to its whole circulation, in its own bank notes, and United States legal-tender notes, or wholly in either of them; and thereupon the United States shall be bound to redeem, on demand, the whole of such circulation of said bank which shall be outstanding. When such circulation is redeemed or paid into the Treasury as provided herein, it shall be destroyed in the manner now provided by law.

SEC. 10. That the United States legal-tender notes paid into the Treasury under the provisions of section 9 shall only be used, first, for redeeming the circulation for which it was paid into the Treasury, for doing which promptly a sufficient reserve shall be kept in aid of the fund provided in section 5; and, secondly, in purchasing United States five-twenty bonds.

SEC. 11. That whenever the Secretary of the Treasury may think it expedient, he may use any coin in the Treasury not required for the payment of demands against the United States payable in coin, in redeeming any United States five-twenty bonds that have become payable at the pleasure of the Government, the market value of which coin, as fixed by said Secretary, shall be substituted by Treasury notes issued by authority of this act, or by legal-tender notes received under the authority of this act, which shall thereupon become subject to be used in the Treasury for the payment of all claims and demands against the United States.

SEC. 12. That no purchase of United States five-twenty bonds shall be made under the provisions of section 2 or sections 6 and 10 of this act when the price demanded shall be at a greater rate of premium upon the bonds than 10 per cent. above their par value of principal and accrued interest; nor shall any redemption of said bonds be made in pursuance of section 11 while the premium on gold is above 10 per cent. in lawful money.

Mr. COBURN moved to amend the original bill by striking out of section three the words: "outstanding and in circulation at any one time," and insert the words "which shall be permanently issued," and after the words "existing law," to insert the words "and for the purposes of a reserve," so that the section would read: "that the entire amount of United States notes which shall be permanently issued shall not exceed the sum of $400,000,000 now authorized by existing law; and, for the purposes of a reserve, that the Secretary of the Treasury be, and he is hereby, authorized to issue the sum of $50,000,000 of United States notes," &c.

Mr. HUNTER moved to amend by adding to the original bill the following new sections:

SEC. —. That no national bank shall hereafter take, receive, reserve, or charge, on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, a greater interest than the rate allowed by the laws of the State or Territory where the bank is located, which shall in no case exceed 10 per cent. per annum; and every contract knowingly made by any officer or officers of a national bank, where the amount received by or to be paid to said bank, or for its use or benefit, either directly or indirectly, in the shape of interest, discount, premium, profit, or remuneration of any kind, for the use of its money, where such sums so received or to be paid shall be greater than the amount of interest or discount allowed to be taken by such bank upon any loan or discount made by it, such contract shall be deemed usurious and shall be absolutely null and void, and all money paid thereon shall be recoverable back by the party or parties who paid the same, or by his, her, or their heirs or legal representatives, in case of his, her, or their death, by suit at law, in any court having competent jurisdiction, providing the suit shall be brought within six years from such payment, and the officer or officers of such bank who made, or advised to be made, such contract shall be guilty of a misdemeanor, and upon conviction thereof in any court of the United States, within the State or Territory where said bank shall be situated having jurisdiction of such cases, shall be fined in any sum not less than $100, to which may be added imprisonment in the penitentiary for any period of time not exceeding one year, within the discretion of the court or jury trying the case; and every direct or indirect means used by any bank or its officers to evade the provisions of this section by using the money of the bank in any other manner than in *bona fide* loans or discounts by the bank, as provided in this section, shall be *prima facie* evidence of usury, and the officer or officers so committing usury shall be guilty of a misdemeanor, and shall be punished as provided in this section for punishing misdemeanors. The words "*bona fide* loans or discounts," as used in this section, shall be construed to mean only such loans or discounts in which the bank parts with its entire interest in the money so used by it or its officers in making such loan or discount, without any understanding, hope, or expectation of receiving any benefit therefrom, directly or indirectly, except the note, draft, bill of exchange, or thing of value received in exchange by the bank for such loan or dis-

count. And it is hereby made the special duty of the Comptroller of the Currency to see that every officer of any such banks who shall be guilty of a violation of any of the provisions of this section shall be prosecuted and punished as above provided; and if such Comptroller shall fail to have prosecuted all officers of banks whose violations of the provisions of this section shall come to his knowledge within a reasonable time thereafter, he shall himself be subject to like punishment with the officer or officers so offending as an accessory after the fact; and upon the failure of such Comptroller to promptly put into full force the provisions of this section against all bank officers who shall violate the same, in addition to the punishment above provided for him, he shall be dismissed from office by the President of the United States, but such dismissal from office shall in nowise prevent or extenuate his punishment as above provided.

SEC. —. That hereafter all United States notes commonly called greenbacks, and all national bank notes, shall be taxable within the States and Territories the same as money is therein, and not otherwise.

Mr. PACKER moved to amend by substituting for Mr. BECK's amendment the following:

That so much of the twenty-second section of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and of the several acts supplementary thereto and amendatory thereof, and such of the provisions of the act entitled "An act to provide for the redemption of the three per cent. temporary loan certificates and for an increase of national bank notes," approved July 12, 1870, and so much of such parts of any other act or acts of Congress as limit, or as may be construed to limit or restrict, the entire amount of notes for circulation to be issued under said act of June 3, 1864, and the several supplements thereto be, and the same are hereby, repealed; and that hereafter all associations organized, or that may be organized, for carrying on the business of banking under the provisions of said act shall be free to establish and organize national banks with circulation at any place within the several States and Territories of the United States upon the terms and conditions and subject to all the limitations and restrictions now provided by law, except the limitation upon the entire amount of circulation, which is hereby repealed.

SEC. 2. That after notes for circulation shall have been issued, under the provisions of the preceding section and of the several acts of Congress therein referred to, to national banking associations to the aggregate amount or sum of $400,000,000, the Comptroller of the Currency shall report to the Secretary of the Treasury, at the end of each month thereafter, the amount of notes for circulation issued to national banking associations, in addition to said sum of $400,000,000, during the said month, and thereupon the Secretary of the Treasury shall cause to be redeemed, retired, and canceled an amount of United States legal tender notes equal to said additional amount of notes for circulation so issued to such national banking associations as aforesaid, until the whole amount or volume of United States legal tender notes shall be reduced to the sum of $250,000,000.

Mr. COBURN's amendment was disagreed to—yeas 21, nays not counted.

Mr. HUNTER's amendment was disagreed to.

Mr. PACKER's substitute for Mr. BECK's amendment was disagreed to—yeas 76, nays 151:

YEAS—Messrs. Albert, Albright, Barber, Bass, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, R. R. Butler, Cessna, Clements, S. A. Cobb, Conger, *Cook*, Cotton, *Creamer*, Crooke, Crutchfield, Danford, Darrall, Donnan, Dunnell, Farwell, C. Foster, Frye, E. Hale, R. S. Hale, *Hamilton*, Harmer, B. W. Harris, G. W. Hazelton, J. W. Hazelton, Hendee, Hodges, Houghton, Hubbell, Hurlbut, Kasson, *Kendall*, Killinger, Lamport, Lansing, Lawson, Lowe, Martin, Maynard, McCrary, J. W. McDill, McJunkin, L. Myers, Orr, Packard, Packer, Pratt, Rainey, Ray, Richmond, Ross, Sawyer, I. W. Scudder, Sessions, Shanks, L. D. Shoemaker, Sprague, Stowell, Strawbridge, Tremain, Waldron, Wallace, J. D. Ward, Wilber, C. G. Williams, J. M. S. Williams, Williams of Indiana—76.

NAYS—Messrs. *Adams*, *Archer*, *Ashe*, *Atkins*, Averill, BANNING, *Barnum*, Barrere, *J. B. Beck*, Begole, *H. P. Bell*, *Berry*, *Bland*, *Blount*, *Bowen*, *Bright*, *Brown*, *Buckner*, Bundy, B. F. Butler, *J. H. Caldwell*, Cannon, Cason, *J. B. Clark*, Clayton, *Clymer*, Coburn, *Comingo*, Corwin, *Cox*, *Crittenden*, *Crossland*, *J. J. Davis*, Dawes, *De Witt*, Dobbins, *Durham*, Eames, *Eden*, Field, Fort, Freeman, Garfield, *Giddings*, Gooch, Gunckel, Hagan, *Hancock*, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Hathorn, Havens, J. B. Hawley, J. R. Hawley, *Herndon*, E. R. Hoar, G. F. Hoar, *Holman*, Hooper, Hoskins, Hunter, Hyde, HYNES, Kellogg, *Knapp*, *Lamar*, *Leach*, Loughridge, Lowndes, *Marshall*, A. S. McDill, MacDougall, McKee, *McLean*, McNulta, Mellish, Merriam, *Milliken*, *Mills*, *Mitchell*, Monroe, W. S. Moore, Morey, *Neal*, *W. E. Niblack*, Niles, Nunn, *O'Brien*, O'Neill, Orth, Page, *H. W. Parker*, I. C. Parker, Parsons, Pelham, Pendleton, *E. Perry*, Phelps, Pierce, Pike, T. C. Platt, Poland, *Potter*, *Randall*, Rapier, *Read*, J. B. Rice, *Robbins*, E. H. Roberts, J. W. Robinson, Rusk, *M. Sayler*, H. J. Scudder, Sener, Sheats, I. R. Sherwood, Smart, A. H. Smith, H. B. Smith, J. A. Smith, J. Q. Smith, Snyder, *Southard*, *Speer*, Stanard, *Standeford*, Starkweather, *Stone*, *Swann*, C. Y. Thomas, Tyner, *Vance*, *Waddell*, Walls, M. L. Ward, *Wells*, Wheeler, White, *Whitehead*, WHITEHOUSE, *Whitthorne*, C. W. Willard, G. Willard, *Willie*, Wilshire, J. Wilson, J. M. Wilson, *Wood*, *J. D. Young*—151.

Mr. BECK's amendment was then disagreed to—yeas 68, nays 163:

YEAS—Messrs. *Adams*, *Ashe*, *Atkins*, BANNING, *J. B. Beck*, *H. P. Bell*, *Berry*, *Bland*, *Blount*, *Bowen*, *Bright*, *Brown*, *Buckner*, B. F. Butler, *J. H. Caldwell*, Cessna, *J. B. Clarke*, *Clymer*, *Comingo*, *Cook*, *Crittenden*, *Crossland*, *J. J. Davis*, *Durham*, *Eden*, Field, Fort, *Giddings*, R. S. Hale, *Hancock*, *H. R. Harris*, *J. T. Harris*, *Hatcher*, Havens, *Herndon*, *Holman*, *Knapp*, *Lamar*, *Leach*, *Marshall*, *McLean*, Mellish, *Milliken*, *Mills*, *Neal*, *W. E. Niblack*, *O'Brien*, Orth, I. C. Parker, Pelham, *Randall*, *Robbins*, *M. Say-*

ler, Sener, Sheats, *Southard*, *Speer*, *Stone*, *Vance*, *Waddell*, *Wells*, White, *Whitehead*, *Whitthorne*, *Willie*, Woodworth, *J. D. Young*, *P. M. B. Young*—68.

NAYS—Messrs. Albert, Albright, *Archer*, Averill, Barber, *Barnum*, Barrere, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, R. R. Butler, Cain, Cannon, Cason, Clayton, Clements, S. A. Cobb, Coburn, Conger, Corwin, Cotton, *Cox*, *Creamer*, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, *De Witt*, Dobbins, Donnan, Dunnell, Eames, Farwell, C. Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, E. Hale, *Hamilton*, Harmer, B. W. Harris, Harrison, Hathorn, J. B. Hawley, J. R. Hawley, G. W. Hazelton, J. W. Hazelton, Hendee, E. R. Hoar, G. F. Hoar, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, HYNES, Kasson, Kellogg, *Kendall*, Killinger, Lamport, Lansing, Lawson, B. Lewis, Lofland, Loughridge, Lowe, Lowndes, J. R. Lynch, Martin, Maynard, McCrary, A. S. McDill, J. W. McDill, MacDougall, McJunkin, McKee, McNulta, Merriam, Monroe, L. Myers, Niles, Nunn, O'Neill, Orr, Packard, Packer, Page, *H. W. Parker*, Parsons, Pendleton, *E. Perry*, Phelps, Pierce, Pike, T. C. Platt, Poland, *Potter*, Pratt, Rapier, Ray, *Read*, J. B. Rice, Richmond, E. H. Roberts, J. W. Robinson, Ross, Sawyer, H. J. Scudder, I. W. Scudder, Sessions, Shanks, Sheldon, I. R. Sherwood, L. D. Shoemaker, Smart, A. H. Smith, H. B. Smith, J. A. Smith, J. Q. Smith, Snyder, Sprague, Stanard, *Standeford*, Starkweather, St. John, Stowell, Strawbridge, *Swann*, C. Y. Thomas, W. Townsend, Tremain, Tyner, Waldron, Walls, J. D. Ward, M. L. Ward, Wheeler, WHITEHOUSE, Whitely, Wilber, C. W. Willard, G. Willard, C. G. Williams, J. M. S. Williams, Williams of Indiana, Wilshire, J. Wilson, J. M. Wilson, Woodford—163.

Mr. E. R. HOAR moved to amend the original bill by adding to it the following:

That from and after the fourth day of July, in the year 1876, nothing but gold and silver coin of the United States shall be a legal tender for the payment of any debt thereafter contracted.

That from and after the fourth day of July, in the year 1876, every holder of United States notes shall have the right to exchange them at the Treasury of the United States, in sums of $100 or any multiple thereof, for bonds of the United States, coupon or registered, bearing interest at the rate of 4½ per cent. a year, payable semi-annually, which bonds shall be redeemable after ten years from their date, at the pleasure of the United States, and payable at thirty years from their date, payable principal and interest in gold; and the notes so exchanged shall be canceled and destroyed, and not reissued; and no new notes shall be issued in lieu thereof.

Mr. FOSTER moved to amend the bill by adding to it the following:

SEC. —. That whenever the national bank note circulation shall exceed the aggregate of $400,000,000, the Secretary of the Treasury is hereby authorized and directed, so far as the fund hereinafter provided will permit, to retire, redeem, and cancel legal tender notes of the United States to the extent of 25 per cent. of such excess, until the outstanding and unpaid legal tender notes of the United States shall be reduced to the amount of $300,000,000.

SEC. —. That to enable the Secretary of the Treasury to perform the duty imposed by the preceding section, so much of the fifth section of the act entitled "An act to authorize the issue of United States notes, and for the funding and redemption thereof, and for funding the floating debt of the United States," approved February 25, 1862, as relates to the purchase or payment of 1 per cent. of the entire debt of the United States annually, and the setting the same apart as a sinking fund, be so amended that said purchase of 1 per cent. therein prescribed shall apply to the extent of the legal tender notes of the Unites States directed to be retired, redeemed, and canceled under the preceding section of this act.

April 14—Mr. E. R. HOAR'S amendment was disagreed to—yeas 70, nays 171:

YEAS—Messrs. Albert, *Arthur*, *Barnum*, Bass, BROMBERG, Buffinton, Clayton, *Clymer*, *Cox*, Crooke, Curtis, Dawes, *De Witt*, Eames, Frye, Garfield, Gooch, E. Hale, *Hamilton*, *Hancock*, B. W. Harris, J. R. Hawley, *Herndon*, E. R. Hoar, G. F. Hoar, Hooper, HYNES, Kellogg, *Kendall*, Lawson, Lowndes, *Luttrell*, *Magee*, MacDougall, *Mitchell*, W. S. Moore, *Nesmith*, Niles, Page, *H. W. Parker*, Pendleton, *E. Perry*, Phelps, Pierce, Pike, J. H. Platt, Poland, *Potter*, *Randall*, J. B. Rice, E. H. Roberts, Sawyer, *J. G. Schumaker*, Scofield, Small, Smart, J. Q. Smith, *Speer*, Starkweather, Tremain, Waldron, Wheeler, WHITEHOUSE, C. W. Willard, G. Willard, J. M. S. Williams, *Willie*, *E. K. Wilson*, *Wood*, Woodford—70.

NAYS—Messrs. *Adams*, Albright, *Atkins*, Averill, Barber, Barrere, Barry, *J. B. Beck*, Begole, *H. P. Bell*, Biery, *Bland*, *Blount*, *Bowen*, Bradley, *Bright*, *Brown*, *Buckner*, Bundy, Burchard, Burleigh, Burrows, B. F. Butler, R. R. Butler, Cain, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, Clements, C. L. Cobb, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, Cotton, *Creamer*, *Crittenden*, Crounse, Crutchfield, Danford, Darrall, *J. J. Davis*, Dobbins, Donnan, Duell, Dunnell, *Durham*, *Eden*, *Eldredge*, Farwell, Field, Fort, C. Foster, Freeman, Gunckel, Hagans, Harmer, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Hathorn, Havens, J. B. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, *Hereford*, Hodges, *Holman*, Houghton, Hubbell, Hunter, *Hunton*, Hurlbut, Hyde, *Jewett*, Kasson, Kelley, Killinger, *Knapp*, *Lamison*, Lamport, Lansing, B. Lewis, Lofland, Loughridge, Lowe, *Marshall*, Martin, Maynard, McCrary, A. S. McDill, J. W. McDill, McJunkin, McKee, *McLean*, McNulty, Mellish, Merriam, *Milliken*, *Mills*, Monroe, Morey, L. Myers, *Neal*, *W. E. Niblack*, Nunn, O'Neill, Orr, Orth, Packard, Packer, I. C. Parker, Pelham, Phillips, T. C. Platt, Pratt, Rainey, Rapier, Ray, Richmond, *Robbins*, *W. R. Roberts*, J. W. Robinson, Ross, *M. Sayler*, I. W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, *Sloss*, A. H. Smith, G. L. Smith, H. B. Smith, Snyder, *Southard*, Sprague, Stanard, St. John, *Stone*, Stowell, C. Y. Thomas, Tyner, *Vance*, *Waddell*, Wallace, J. D. Ward, M. L. Ward, *Wells*, White, *White-*

head, Whiteley, *Whitthorne*, Wilber, C. G. Williams, Williams of Indiana, J. Wilson, J. M. Wilson, Woodworth, *J. D. Young*, *P. M. B. Young*—171.

Mr. FOSTER's amendment was disagreed to—yeas 104, nays 133.

YEAS—Messrs. Albert, Albright, Barber, *Barnum*, Bradley, BROMBERG, Buffinton, Burchard, Burleigh, Burrows, Cannon, A. Clark, Clements, Cotton, *Cox*, *Creamer*, Crooke, Darrall, Dawes, *De Witt*, Donnan, Duell, Eames, Farwell, C. Foster, Frye, Garfield, Gooch, Gunckel, E. Hale, R. S. Hale, *Hamilton*, *Hancock*, B. W. Harris, J. B. Hawley, J. R. Hawley, J. W. Hazelton, E. R. Hoar, G. F. Hoar, Hooper, Hoskins, Howe, Hubbell, Hurlbut, Kasson, Kellogg, *Kendall*, Lansing, Lawson, B. Lewis, Lowndes, Martin, McCrary, A. S. McDill, J. W. McDill, McDougall, Merriam, *Mitchell*, W. S. Moore, Niles, Orr, Packard, Packer, Page, *H. W. Parker*, Parsons, Pendleton, *E. Perry*, Phelps, Pierce, Pike, T. C. Platt, Poland, *Potter*, Pratt, Ray, J. B. Rice, E. H. Roberts, Sawyer, Scofield, I. W. Scudder, Sessions, L. D. Shoemaker, Small, Smart, A. H. Smith, J. Q. Smith, Sprague, Starkweather, Stowell, Strawbridge, Tremain, Waldron, J. D. Ward, M. L. Ward, Wheeler, Wilber, C. W. Willard, G. Willard, C. G. Williams, J. M. S. Williams, *E. K. Wilson*, J. Wilson, *Wood*—104.

NAYS—Messrs. *Adams*, *Arthur*, *Atkins*, Averill, Barrere, Barry, Bass, *J. B. Beck*, Begole, *H. P. Bell*, Biery, *Bland*, *Blount*, *Bowen*, *Bright*, *Brown*, *Buckner*, Bundy, B. F. Butler, R. R. Butler, Cain, *J. H. Caldwell*, Cason, Cessna, *J. B. Clark*, *Clymer*, C. L. Cobb, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, *Crittenden*, Crounse, Crutchfield, Curtis, Danford, *J. J. Davis*, Dobbins, Dunnell, *Durham*, *Eden*, *Eldredge*, Field, Fort, Freeman, *Giddings*, Hagans, Harmer, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Hathorn, Havens, Hays, G. W. Hazelton, *Hereford*, *Herndon*, Hodges, *Holman*, Houghton, Hunter, *Hunton*, Hyde, HYNES, *Jewett*, Kelley, Killinger, *Knapp*, *Lamar*, *Lamison*, Lamport, Lofland, Loughridge, Lowe, *Magee*, *Marshall*, Maynard, *McLean*, McNulta, Mellish, *Milliken*, *Mills*, Monroe, L. Myers, *Neal*, *W. E. Niblack*, Nunn, O'Neill, Orth, I. C. Parker, Pelham, Phillips, Rainey, *Randall*, Rapier, Richmond, *Robbins*, *W. R. Roberts*, J. W. Robinson, *J. G. Schumaker*, Sener, Shanks, Sheats, Sheldon, I. R. Sherwood, H. B. Smith, *Southard*, *Speer*, Stanard, *Standeford*, St. John, *Stone*, *Swann*, C. Y. Thomas, Tyner, *Vance*, *Waddell*, *Wells*, White, *Whitehead*, WHITEHOUSE, Whiteley, *Whitthorne*, Williams of Indiana, *Willie*, Wilshire, J. M. Wilson, Woodworth, *J. D. Young*, *P. M. B. Young*—133.

The bill of the committee as amended then passed—yeas 129, nays 116:

YEAS—Messrs. *Adams*, Albright, Averill, Barrere, Barry, Begole, *H. P. Bell*, Biery, *Bowen*, Bradley, Bundy, Burchard, Burrrows, B. F. Butler, R. R. Butler, Cain, Cannon, Cason, Cessna, *J. B. Clark*, Clements, C. L. Cobb, S. A. Cobb, Coburn, Conger, Corwin, *Crittenden*, Crounse, Crutchfield, Curtis, Darrall, Dobbins, Donnan, Dunnell, Farwell, Field, Fort, C. Foster, Freeman, Gunckel, Hagans, Harmer, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Havens, J. B. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, Hodges, Houghton, Howe, Hubbell, Hunter, *Hunton*, Hurlbut, Hyde, HYNES, Kasson, Killinger, Lamport, Lansing, B. Lewis, Lofland, Loughridge, Lowe, Martin, Maynard, McCrary, A. S. McDill, J. W. McDill, McKee, McNulta, Merriam, Monroe, Morey, L. Myers, Nunn, Orr, Orth, Packard, Packer, I. C. Parker, Pelham, Phillips, J. H. Platt, Pratt, Rainey, Rapier, Ray, Richmond, *Robbins*, J. W. Robinson, Ross, Rusk, Sawyer, I. W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, *Sloss*, A. H. Smith, G. L. Smith, Snyder, Sprague, Stanard, St. John, Stowell, Strawbridge, Tyner, *Vance*, Wallace, J. D. Ward, *Wells*, White, *Whitehead*, Whiteley, C. G. Williams, Williams of Indiana, Wilshire, J. Wilson, J. M. Wilson, Woodworth—129.

NAYS—Messrs. Albert, *Arthur*, *Atkins*, BANNING, *Barnum*, Bass, *J. B. Beck*, *Bland*, *Blount*, *Bright*, BROMBERG, *Brown*, *Buckner*, Buffinton, Burleigh, *J. H. Caldwell*, A. Clark, Clayton, *Clymer*, *Comingo*, Cotton, *Cox*, *Creamer*, Crooke, Danford, *J. J. Davis*, Dawes, *De Witt*, *Durham*, Eames, *Eden*, *Eldredge*, Frye, Garfield, Gooch, E. Hale, R. S. Hale, *Hamilton*, *Hancock*, B. W. Harris, Hathorn, J. R. Hawley, *Hereford*, *Herndon*, E. R. Hoar, G. F. Hoar, *Holman*, Hooper, Hoskins, Kelley, Kellogg, *Kendall*, *Knapp*, Lawson, Lowndes, *Luttrell*, *Magee*, *Marshall*, MacDougall, *McLean*, Mellish, *Milliken*, *Mills*, *Mitchell*, W. S. Moore, *Neal*, *Nesmith*, *W. E. Niblack*, Niles, O'Neill, Page, *H. W. Parker*, Parsons, Pendleton, *E. Perry*, Phelps, Pierce, Pike, T. C. Platt, Poland, *Potter*, *Randall*, *Read*, J. B. Rice, E. H. Roberts, *W. R. Roberts*, *M. Sayler*, *J. G. Schumaker*, Scofield, Small, Smart, H. B. Smith, J. Q. Smith, *Southard*, *Speer*, *Standeford*, Starkweather, *Stone*, *Swann*, C. Y. Thomas, Tremain, Waldron, M. L. Ward, Wheeler, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, G. Willard, J. M. S. Williams, *Willie*, *E. K. Wilson*, *Wood*, Woodford, *J. D. Young*, *P. M. B. Young*—116.

IN SENATE.

May 6—House bill 1572 was reported by Mr. SHERMAN, with an amendment, viz: to strike out all after the enacting clause and insert the following:

That the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, eighteen hundred and sixty-four, shall be hereafter known as "the national bank act of eighteen hundred and sixty-four."

SEC. 2. That section thirty-one of "the national bank act of eighteen hundred and sixty-four" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits, in all respects as provided for in the said section; and each national banking association, now organized or hereafter to be organized, shall keep and maintain, as a part of its reserve, one-fourth part of

the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits.

SEC. 3. That sections thirty-one and thirty-two of the said act be amended by requiring that each of the said associations shall, within ninety days after the passage of this act, and thereafter, keep its lawful money reserves within its own vaults at the place where its operations of discount and deposit are carried on. And all the provisions of the said sections requiring or permitting any of the said associations to keep any portion of its lawful money reserves elsewhere than in its own vaults, or requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this act, are hereby repealed.

SEC. 4. That section twenty-two of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed; and the proviso in the first section of the act approved July twelfth, eighteen hundred and seventy, entitled "An act to provide for the redemption of the three per centum temporary loan certificates, and for an increase of national bank notes," prohibiting to banks hereafter organized a circulation over five hundred thousand dollars; and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to one million dollars; and section six of said act, relating to the redistribution of twenty-five millions of circulating notes, be, and the same are hereby, repealed; that every association hereafter organized shall be subject to and be governed by the rules, restrictions, and limitations, and possess the rights, privileges, and franchises now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national bank act of eighteen hundred and sixty-four."

SEC. 5. That every association organized, or to be organized, under the provisions of the said act, and of the several acts in amendment thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to five per centum of its circulation, to be held and used only for the redemption of such circulation; and when the circulating notes of any such association or associations shall be presented for redemption, in sums of one thousand dollars or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Comptroller of the Currency to the respective associations issuing the same, and he shall notify them severally on the first day of each month, or oftener at his discretion, of the amount of such redemptions; whereupon each association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation, shall, when received by any assistant treasurer, or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the curculating notes so redeemed shall be forwarded to the respective associations by whom they were issued; but if such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer.

SEC. 6. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than nine thousand dollars, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national bank act of eighteen hundred and sixty-four; and the outstanding notes of said association, to an amount equal to the legal tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below thirty thousand dollars.

SEC. 7. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national bank notes which may be hereafter issued by him.

SEC. 8. That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of three hundred and eighty-two million dollars. And within thirty days after circulating notes to the amount of one million dollars shall from time to time be issued to national banking associations under this act, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to fifty per centum of the circulating notes so issued, which shall be in reduction of the maximum amount of three hundred and eighty-two million dollars fixed by this section; and such reduction shall continue until the maximum amount of United States notes outstanding shall be three hundred million dollars. And for that purpose he is authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in this act for United States notes to be then retired and canceled.

SEC. 9. That on and after the first day of Jan-

uary, eighteen hundred and seventy-seven, any holder of United States notes to the amount of one thousand dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States or at the office of the Assistant Treasurer at the city of New York; and thereupon the Secretary of the Treasury shall, in exchange for said notes, deliver to such holder an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, of denominations of fifty dollars, or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States, after ten years from the date of their issue, and bearing interest, payable quarterly, in such coin, at the rate of five per centum per annum. And the Secretary of the Treasury may reissue the United States notes so received, or if they are canceled, may issue United States notes to the same amount, either to purchase or redeem the public debt at par in coin or to meet the current payments for the public service. And the said bonds, and the interest thereon, shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the said bonds shall have set forth and expressed upon their face the above specified conditions, and shall, with their coupons, be made payable at the Treasury of the United States: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States.

SEC. 10. That nothing in this act shall be construed to authorize any increase of the principal of the public debt of the United States.

May 14.—Mr. WRIGHT moved to amend the amendment by striking out of sec. 8 the figures "50" and inserting "25," so that the clause would read:

"It shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to 25 per cent. of the circulating notes so issued," &c.

Which was agreed to—yeas 32, nays 24:

YEAS—Messrs. Alcorn, Allison, *Bogy*, Boreman, Cameron, Carpenter, Clayton, Conover, *Dennis*, Dorsey, Ferry of Michigan, Gilbert, *Goldthwaite*, *Gordon*, Harvey, Hitchcock, *Johnston*, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, Oglesby, J. J. Patterson, Pratt, Ramsey, Robertson, Spencer, TIPTON, West, Windom, Wright—32.

NAYS—Messrs. Anthony, *Bayard*, Chandler, Conkling, *Cooper*, *Davis*, Edmunds, FENTON, Flanagan, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, Morrill of Maine, Morrill of Vermont, Sargent, *Saulsbury*, SCHURZ, Scott, Sherman, Stewart, *Thurman*, Washburn—24.

Mr. CHANDLER moved that the bill and amendments be laid upon the table. Disagreed to—yeas 20, nays 36:

YEAS—Messrs. Anthony, Buckingham, Chandler, Conkling, *Davis*, Edmunds, FENTON, Flanagan, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Morrill of Maine, Morrill of Vermont, Sargent, SCHURZ, Scott, Sherman, Stewart, Washburn—20.

NAYS—Messrs. Alcorn, Allison, *Bayard*, *Bogy*, Boreman, Cameron, Carpenter, Clayton, Conover, *Cooper*, *Dennis*, Dorsey, Ferry of Michigan, Gilbert, *Goldthwaite*, *Gordon*, Harvey, Howe, *Johnston*, Logan *McCreery*, *Merrimon*, Mitchell, Morton, Oglesby, J. J. Patterson, Pratt, Ramsey, *Ransom*, Robertson, *Saulsbury*, Spencer, TIPTON, West, Windom, Wright—36.

Mr. WRIGHT moved to amend the amendment by striking out "5" and inserting "4½," so as to read:

"After ten years from the date of their issue, and bearing interest payable quarterly in such coin at the rate of 4½ per cent. per annum."

Which was agreed to—yeas 32, nays 15:

YEAS—Messrs. Alcorn, Allison, *Bogy*, Boreman, Carpenter, Clayton, Conover, Davis, *Dennis*, Dorsey, Ferry of Michigan, *Goldthwaite*, *Gordon*, Harvey, Hitchcock, *Johnston*, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, Oglesby, J. J. Patterson, Pratt, Ramsey, Robertson, Spencer, TIPTON, Washburn, West, Windom, Wright—32.

NAYS—Messrs. Anthony, Conkling, *Cooper*, Edmunds, FENTON, Flanagan, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Howe, SCHURZ, Scott, Sherman, Stewart—15.

Mr. CONKLING moved to amend the amendment by striking out all after the first word "That," and inserting in lieu thereof the following:

So much of the act entitled "An act to provide for the redemption of the 3 per cent. temporary loan certificates, and for an increase of national bank notes," as provides that no circulation shall be withdrawn, under the provisions of section 6 of said act, until after the fifty-four millions granted in section 1 of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith to carry into execution the provisions of section 6 of said act to the amount of $46 000,000, and, to enable him to do so, he is hereby authorized and required, from time to time, as needed for the execution of the said section, to make requisitions upon each of the national banks described in said section, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation; and, upon the return of the circulation required, or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 2. That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail to an amount sufficient to

redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be any excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national bank depositories of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation or to deposit lawful money as required, to assort and return to the Treasury for redemption the notes of such associations as they shall come into their hands until the amount required shall be redeemed.

SEC. 3. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency to issue circulating notes in the manner and proportion now provided by law to associations organized or to be organized in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870: *Provided*, That the whole amount of circulation issued to such banking associations, and so to be withdrawn and redeemed from banking associations under the provisions of this act, shall not exceed $46,000,000, and that such circulation shall from time to time be withdrawn and redeemed only as it shall be necessary to supply banks in those States having less than their apportionment.

Mr. MERRIMON moved to amend Mr. CONKLING's proposition by striking out all after the word "That" and inserting the following:

That every banking association created under and in pursuance of an act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, A. D. 1864, be and the same is hereby, required on or before the 1st day of July, A. D. 1875, to retire from circulation its circulating notes, and surrender the same to be canceled and burned, as now provided by law for the cancellation of mutilated and worn-out circulating notes of such associations; and if such association shall fail so to retire its circulating notes, then it shall be the duty of the Comptroller of the Currency to retire and cancel the same as now provided by law for the redemption of such circulating notes of any such association failing to redeem its circulating notes in United States notes.

SEC. 2. That as fast as $100 of such circulating notes are retired as provided by this act, the Secretary of the Treasury shall issue a like amount of United States notes, similar in all respects to such last-named notes now in circulation, and the United States notes so to be issued shall be used either to purchase or redeem the public debt or to meet the current payment of the expenses of the public service.

SEC. 3. That all laws and clauses of laws imposing a tax on notes of State banks greater than the tax imposed on the circulating notes of national banking associations be, and the same, so far as they provide for such greater tax, are hereby repealed.

SEC. 4. That 50 per cent. of duties on imports may be paid in United States notes.

SEC. 5. That on and after the 1st day of January, 1877, any holder of United States notes to the amount of $1,000, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon the Secretary of the Treasury shall, in exchange for said notes, deliver to such holder an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, of denominations of fifty dollars, or some multiple of that sum, redeemable in coin of the present standard value at the pleasure of the United States, after ten years from the date of their issue, and bearing interest payable quarterly in such coin at the rate of 5 per cent. per annum. And the Secretary of the Treasury may reissue the United States notes so received, or, if they are canceled, may issue United States notes to the same amount, either to purchase or redeem the public debt at par in coin or to meet the current payments for the public service. And the said bonds, and the interest thereon, shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the said bonds shall have set forth and expressed upon their face the above specified conditions, and shall, with their coupons, be made payable at the Treasury of the United States: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States.

SEC. 6. That the United States legal tender notes shall be redeemable in gold and silver coin at the Treasury of the United States on and after the 1st day of January, 1878; and for the purpose of providing the necessary fund for that purpose the Secretary of the Treasury is authorized and required to reserve and set aside from the surplus revenues the sum of $25,000,000 per annum in gold and silver coin; and if the surplus revenues shall not be sufficient for that purpose, the Secretary of the Treasury is hereby authorized to sell any part of $100,000,000 of 5 per cent. twenty-year gold-bearing bonds, at not less than par, for the purpose of procuring coin at the rate of $25,000,000 per annum, the same to be applied as herein provided.

SEC. 7. That on and after the —— day of ——, A. D. 187—, the fractional notes of the United States, commonly called "fractional currency," shall be redeemed at the Treasury and the subtreasuries of the United States in silver coin; and such notes so redeemed shall be canceled and account of the same kept, and they shall not be reissued.

Mr. CONKLING moved to amend the House bill by adding to it—with the understanding that, if the amendment was agreed to, he would afterwards move to strike out all the text to which it had been added—the same substance as his

amendment to the committee substitute above given.

This amendment to the House bill was disagreed to—yeas 27, nays 29:

YEAS—Messrs. Anthony, *Bayard*, *Bogy*, Boutwell, Buckingham, Conkling, *Cooper*, *Davis*, Edmunds, FENTON, Flanagan, Gilbert, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Jones, Morrill of Maine, Morrill of Vermont, Sargent, *Saulsbury*, SCHURZ, Scott, Sherman, Stewart, *Stockton*, *Thurman*, Washburn—27.

NAYS—Messrs. Alcorn, Allison, Boreman, Carpenter, Clayton, *Dennis*, Dorsey, Ferry of Michigan, *Goldthwaite*, *Gordon*, Harvey, Howe, *Johnston*, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, Oglesby, J. J. Patterson, Pratt, Ramsey, *Ransom*, Robertson, Spencer, Sprague, TIPTON, Windom, Wright—29.

Mr. MERRIMON's amendment to Mr. CONKLING's amendment to the committee substitute was disagreed to—yeas 8, nays 43:

YEAS—Messrs. Alcorn, *Cooper*, *Dennis*, *Gordon*, *Hamilton* of Maryland, *McCreery*, *Merrimon*, *Ransom*—8.

NAYS—Messrs. Anthony, *Bogy*, Boreman, Boutwell, Buckingham, Cameron, Carpenter, Clayton, Conkling, *Davis*, Edmunds, FENTON, Ferry of Michigan, Flanagan, Gilbert, *Goldthwaite*, *Hager*, HAMILTON of Texas, Hamlin, Harvey, Hitchcock, *Johnston*, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, J. J. Patterson, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Sprague, *Stockton*, *Thurman*, TIPTON, Wadleigh, Washburn, Windom, Wright—43.

Mr. CONKLING's amendment to the amendment was then disagreed to—yeas 18, nays 27:

YEAS—Messrs. Anthony, Boutwell, Buckingham, Conkling, *Cooper*, *Davis*, Edmunds, FENTON, *Hamilton* of Maryland, Hamlin, Jones, Morrill of Vermont, Sargent, SCHURZ, Scott, Sherman, *Thurman*, Washburn—18.

NAYS—Messrs. Alcorn, Allison, *Bogy*, Carpenter, Clayton, *Dennis*, Ferry of Michigan, *Goldthwaite*, *Hager*, Harvey, Howe, *Johnston*, Logan, *Merrimon*, Mitchell, Morton, Oglesby, J. J. Patterson, Pratt, Ramsey, *Ransom*, Robertson, Spencer, Sprague, TIPTON, Windom, Wright—27.

The amendment of the Finance Committee, in the nature of a substitute, as amended, was then agreed to, and the bill so amended was reported to the Senate.

Mr. SCOTT moved to strike out "25" in section 8, and insert "40," so that the clause would read:

"It shall be the duty of the Secretary of the Treasury to retire any amount of United States notes equal to 40 per cent. of the circulating notes so issued."

The amendment to the amendment was disagreed to—yeas 20, nays 24:

YEAS—Messrs. Anthony, Boutwell, Buckingham, Conkling, *Cooper*, *Davis*, Edmunds, FENTON, *Hager*, *Hamilton* of Maryland, Hamlin, Howe, Jones, Morrill of Vermont, Sargent, Scott, Sherman, Stewart, *Thurman*, Washburn—20.

NAYS—Messrs. Alcorn, *Bogy*, Carpenter, Clayton, *Dennis*, Ferry of Michigan, *Goldthwaite*, Harvey, *Johnston*, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, Oglesby, J. J. Patterson, Pratt, Ramsey, *Ransom*, Spencer, Sprague, TIPTON, Windom, Wright—24.

The amendment made as in Committee of the Whole was concurred in, ordered engrossed, and read a third time.

The bill, being read a third time, passed—yeas 25, nays 19:

YEAS—Messrs. Alcorn, Allison, *Bogy*, Carpenter, Clayton, *Dennis*, Ferry of Michigan, *Goldthwaite*, Harvey, Howe, *Johnston*, Logan, *McCreery*, *Merrimon*, Mitchell, Oglesby, J. J. Patterson, Pratt, Ramsey, *Ransom*, Spencer, Sprague, TIPTON, Windom, Wright—25.

NAYS—Messrs. Anthony, Boutwell, Buckingham, Conkling, *Cooper*, *Davis*, Edmunds, FENTON, *Hager*, *Hamilton* of Maryland, Hamlin, Jones, Morrill of Vermont, Sargent, Scott, Sherman, Stewart, *Thurman*, Washburn—19.

IN HOUSE.

May 23 —Mr. FARWELL reported a substitute, which was ordered printed and recommitted.

May 28 —Mr. MAYNARD, from the Committee on Banking and Currency—to which House bill 1572, as amended by the Senate, had been referred—reported the same back with the following amendment in the nature of a substitute:

Be it enacted, &c., That the act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, eighteen hundred and sixty-four, shall be hereafter known as "the national bank act."

SEC. 2. That section thirty-one of "the national bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects as provided for in the said section.

SEC. 3. That section twenty-two of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed; and the proviso in the first section of the act approved July twelfth, eighteen hundred and seventy, entitled "An act to provide for the redemption of the three per centum temporary loan certificates, and for an increase of national bank notes," prohibiting to banks hereafter organized a circulation over five hundred thousand dollars; and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to one million dollars; and section six of said act, relating to the redistribution of twenty-five millions of circulating notes, be, and the same are hereby, repealed; that every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national bank act."

SEC. 4. That every association organized or to

be organized under the provisions of the said act, and of the several acts in amendment thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to five per centum of its circulation, to be held and used for the redemption of such circulation; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of one thousand dollars, or any multiple thereof, to the Treasury of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; whereupon each association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation, shall, when received by any Assistant Treasurer, or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by whom they were issued; but if such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency, and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer.

SEC. 5. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than nine thousand dollars, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of "the national bank act;" and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below thirty thousand dollars.

SEC. 6. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national bank notes which may be hereafter issued by him.

SEC. 7. That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of three hundred and eighty-two million dollars; and within thirty days after circulating notes to the amount of one million dollars shall, from time to time, be issued to national banking associations under this act, in excess of the highest outstanding volume thereof at any time prior to such issue, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to forty per centum of the circulating notes so issued, which shall be in reduction of the maximum amount of three hundred and eighty-two million dollars fixed by this section; and such reduction shall continue until the maximum amount of the United States notes outstanding shall be three hundred million dollars; and the United States notes so retired shall be canceled and carried to the account of the sinking-fund provided for by the second clause of section five of the act approved on the twenty-fifth of February, eighteen hundred and sixty-two, entitled "An act to authorize the issue of United States notes, and for the redemption and funding thereof, and for funding the floating debt of the United States," and shall constitute a portion of said sinking-fund.

SEC. 8. That on and after the first day of July, eighteen hundred and seventy-eight, any holder of United States notes to the amount of fifty dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the Assistant Treasurer at the city of New York; and there upon he shall be entitled to receive, at his option, from the Secretary of the Treasury, in exchange of said notes, an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the fourteenth day of July, eighteen hundred and seventy, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the twentieth day of January, eighteen hundred and seventy-one: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the United States notes so received, or, if they are canceled, shall issue United States notes to the same amount, either to purchase or redeem the public debt at par in coin, or to meet the current payments for the public service.

SEC. 9. That nothing in this act shall be construed to authorize any increase of the principal or interest of the public debt of the United States.

May 28—The substitute was disagreed to—111, nays 118, not voting 60:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barry, Biery, Bradley, BROMBERG, Buffinton, Burchard, Burleigh, Cain, Cessna, A. Clark, C. L. Cobb, Conger, *Cook*, Cotton, Crooke, Crutchfield, Curtis, Danford, Darrall, Dawes, *De Witt*, Dobbins, Duell, Dunnell, Eames, Farwell, C. Foster, Freeman, Garfield, Gooch, Hagans, E. Hale, *Hamilton*, *Hancock*, Harrison, Hathorn, J. B. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, Hendee, E. R. Hoar, Hodges, Hoskins, Houghton, Hubbell, Lamport, Lansing,

Lawson, Lofland, J. R. Lynch, Maynard, McCrary, J. W. McDill, MacDougall, McKee, Merriam, *Mitchell*, Monroe, Morey, Niles, Nunn, Orr, Packard, Packer, Pendleton, Phelps, Pierce, J. H. Platt, T. C. Platt, Poland, Rainey, Ransier, Rapier, Ray, J. B. Rice, Richmond, E. H. Roberts, Rusk, Sawyer, Scofield, H. J. Scudder, I. W. Scudder, Sheats, Sheldon, L. D. Shoemaker, Sloan, J. Q. Smith, Snyder, Starkweather, St. John, Strait, Taylor, Thornburgh, Tremain, Wallace, Walls, J. D. Ward, M. L. Ward, Wilber, C. W. Willard, G. Willard, C. G. Williams, J. M. S. Williams, W. B. Williams, J. Wilson, Woodford—111.

NAYS—Messrs. *Adams*, *Archer*, *Arthur*, *Ashe*, *Atkins*, BANNING, *Barnum*, Barrere, Bass, *J. B. Beck*, *H. P. Bell*, *Berry*, *Bland*, *Blount*, *Bowen*, *Bright*, *Brown*, *Buckner*, Bundy, B. F. Butler, *J. H. Caldwell*, Cannon, Cason, *J. B. Clark*, S. A. Cobb, Coburn, *Comingo*, Corwin, *Crittenden*, *Crossland*, Crounse, Donnan, *Durham*, *Eden*, *Eldredge*, Field, Fort, *Giddings*, *Glover*, Harmer, *H. R. Harris*, *J. T. Harris*, *Hatcher*, Havens, J. R. Hawley, *Hereford*, *Herndon*, *Holman*, Hooper, Hunter, *Hunton*, Hurlbut, Hyde, Kelley, Kellogg, *Kendall*, *Knapp*, Lawrence, *Leach*, Loughridge, Lowe, *Luttrell*, *Marshall*, Martin, McNulta, *Milliken*, *Morrison*, L. Myers, *Neal*, *Nesmith*, *W. E. Niblack*, O'Neill, Orth, Page, I. C. Parker, *E. Perry*, Phillips, Pike, *Potter*, Pratt, *Randall*, *Read*, *Robbins*, *J. C. Robinson*, J. W. Robinson, H. B. Sayler, Sener, Shanks, I. R. Sherwood, *Sloss*, Small, H. B. Smith, *Southard*, *Speer*, Sprague, Stanard, *Standeford*, *Stone*, *Swann*, Sypher, C. Y. Thomas, W. Townsend, Tyner, *Vance*, *Waddell*, *Wells*, White, *Whitehead*, WHITEHOUSE, Whiteley, *Whitthorne*, Williams of Indiana, *Willie*, *E. K. Wilson*, J. M. Wilson, *Wolfe*, Woodworth, *J. D. Young*—148.

NOT VOTING—Messrs. Begole, Burrows, R. R. Butler, F. Clarke, Clayton, Clements, *Clymer*, *Cox*, *Creamer*, Crocker, *J. J. Davis*, Elliott, Frye, Gunckel, R. S. Hale, B. W. Harris, Hersey, G. F. Hoar, Howe, HYNES, *Jewett*, Kasson, Killinger, *Lamar*, *Lamison*, B. Lewis, Lowndes, *Magee*, A. S. McDill, McJunkin, *McLean*, *Mills*, W. S. Moore, Negley, *O'Brien*, *H. W. Parker*, Parsons, Pelham, Purman, *W. R. Roberts*, Ross, *M. Sayler*, *J. G. Schumaker*, Sessions, Smart, A. H. Smith, G. L. Smith, J. A. Smith, W. A. Smith, *A. H. Stephens*, *Storm*, Stowell, Strawbridge, C. R. Thomas, Todd, Waldron, Wheeler, Wilshire, *Wood*, *P. M. B. Young*—60.

The Senate amendment to the House bill was disagreed to—yeas 70, nays 164, not voting 55:

YEAS—Messrs. Barber, Barrere, Barry, Biery, Bradley, Bundy, B. F. Butler, Cain, Cannon, Cason, Cessna, S. A. Cobb, Conger, Crounse, Crutchfield, Darrall, Donnan, Fort, Harmer, Harrison, Havens, J. B. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, Howe, Hunter, Hurlbut, Hyde, HYNES, Kelley, Loughridge, Lowe, J. R. Lynch, Martin, McCrary, A. S. McDill, J. W. McDill, McKee, McNulta, L. Myers, Orr, Orth, Packard, I. C. Parker, Phillips, Pratt, Purman, Ray, H. B. Sayler, I. W. Scudder, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, Snyder, Sprague, Stanard, Strait, Sypher, Taylor, Thornburgh, Tyner, Walls, Whiteley, Williams of Indiana, J. Wilson, J. M. Wilson, Woodworth—70.

NAYS—Messrs. *Adams*, Albert, Albright, *Archer*, *Arthur*, *Ashe*, *Atkins*, Averill, BANNING, *Barnum*, Bass, *J. B. Beck*, *H. P. Bell*, *Berry*, *Bland*, *Blount*, *Bowen*, *Bright*, BROMBERG, *Brown*, *Buckner*, Buffinton, Burchard, Burleigh, *J. H. Caldwell*, A. Clark, *J. B. Clark*, *Clymer*, Coburn, *Comingo*, *Cook*, Cotton, *Crittenden*, Crooke, *Crossland*, Curtis, Danford, Dawes, *DeWitt*, Duell, Dunnell, *Durham*, Eames, *Eden*, *Eldredge*, Farwell, Field, C. Foster, Freeman, Garfield, *Giddings*, *Glover*, Gooch, Hagans, E. Hale, *Hamilton*, *Hancock*, *H. R. Harris*, *J. T. Harris*, *Hatcher*, Hathorn, J. R. Hawley, Hendee, *Hereford*, *Herndon*, E. R. Hoar, Hodges, *Holman*, Hooper, Hoskins, Houghton, Hubbell, *Hunton*, *Jewett*, Kasson, Kellogg, *Kendall*, *Knapp*, *Lamison*, Lamport, Lansing, Lawrence, Lawson, *Leach*, Lofland, *Luttrell*, *Marshall*, Maynard, McDougall, Merriam, *Milliken*, *Mitchell*, Monroe, *Morrison*, *Neal*, *Nesmith*, *W. E. Niblack*, Niles, Nunn, O'Neill, Packer, Page, Pendleton, *E. Perry*, Phelps, Pierce, Pike, J. H. Platt, T. C. Platt, Poland, *Potter*, Rainey, *Randall*, Ransier, Rapier, *Read*, J. B. Rice, Richmond, *Robbins*, E. H. Roberts, *J. C. Robinson*, J. W. Robinson, Rusk, Sawyer, Scofield, H. J. Scudder, Sener, Sloan, *Sloss*, Small, H. B. Smith, J. A. Smith, J. Q. Smith, *Southard*, *Speer*, *Standeford*, Starkweather, St. John, *Stone*, *Swann*, C. Y. Thomas, W. Townsend, Tremain, *Vance*, *Waddell*, Wallace, J. D. Ward, M. L. Ward, *Wells*, White, *Whitehead*, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, G. Willard, C. G. Williams, J. M. S. Williams, W. B. Williams, *Willie*, *E. K. Wilson*, *Wolfe*, Woodford, *J. D. Young*—164.

NOT VOTING—Messrs. Begole, Burrows, R. R. Butler, F. Clarke, Clayton, Clements, C. L. Cobb, Corwin, *Cox*, *Creamer*, Crocker, *J. J. Davis*, Dobbins, Elliott, Frye, Gunckel, R. S. Hale, B. W. Harris, Hersey, G. F. Hoar, Killinger, *Lamar*, B. Lewis, Lowndes, *Magee*, McJunkin, *McLean*, *Mills*, W. S. Moore, Morey, Negley, *O'Brien*, *H. W. Parker*, Parsons, Pelham, *W. R. Roberts*, Ross, *M. Sayler*, *J. G. Schumaker*, Sessions, Smart, A. H. Smith, G. L. Smith, W. A. Smith, *A. H. Stephens*, *Storm*, Stowell, Strawbridge, C. R. Thomas, Todd, Waldron, Wheeler, Wilshire, *Wood*, *P. M. B. Young*—55.

The House asked a conference; and Messrs. MAYNARD of Tennessee, FARWELL of Illinois, and CLYMER of Pennsylvania were appointed conferees on the part of the House.

IN SENATE.

May 29—A conference was voted—yeas 31, nays 24; and Messrs. MORTON, SHERMAN, and MERRIMON were appointed conferees on the part of the Senate.

Report of Committee of Conference.

June 9—Mr. MORTON, from the committee of conference, submitted the following report, signed by all the conferees except Mr. CLYMER, recommending the following bill:

FIRST CONFERENCE REPORT.

SEC. 1. *Be it enacted, &c.*, That the act entitled

"An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, eighteen hundred and sixty-four, shall be hereafter known as "the national bank act."

SEC. 2. That section thirty-one of the "national bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

SEC. 3. That section twenty-two of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed; and the proviso in the first section of the act approved July twelfth, eighteen hundred and seventy, entitled "An act to provide for the redemption of the three per centum temporary loan certificates, and for an increase of national bank notes," prohibiting the banks hereafter organized a circulation over five hundred thousand dollars; and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to one million dollars; and section six of said act, relating to the redistribution of twenty-five millions of circulating notes, be, and the same are hereby repealed; that every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national bank act."

SEC. 4. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to five per centum of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section two of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of one thousand dollars, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of five hundred dollars, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depositary of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: *And provided further*, That so much of section thirty-two of said national bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 5. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than nine thousand dollars, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national bank act; and the outstanding notes of said association, to an amount equal to the legal tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below fifty thousand dollars.

SEC. 6. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national bank notes which may be hereafter issued by him.

SEC. 7. That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of three hundred and eighty-two million dollars, which shall be retired and reduced in the following manner only, to wit: within thirty days after circulating notes to the amount of one million dollars shall, from time to time, be issued to national banking associations under this act, in excess of the highest outstanding volume thereof at any time prior to such issue, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to three-eighths of the circulating notes so issued, which shall be in reduction of the maximum amount of three hundred and eighty-two million dollars fixed by this section; and such reduction shall continue until the maximum amount of United States notes outstanding shall be three hundred million dollars; and the United States notes so

retired shall be canceled and carried to the account of the sinking fund provided for by the second clause of section five of the act approved on the twenty-fifth of February, eighteen hundred and sixty-two, entitled "An act to authorize the issue of United States notes, and for the redemption and funding thereof, and for funding the floating debt of the United States," and shall constitute a portion of said sinking fund. And the interest thereon, computed at the rate of five per centum, shall be added annually to said sinking fund. But if the surplus revenue be not sufficient for this purpose, the Secretary of the Treasury is hereby authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in this act for United States notes to be then retired and canceled.

SEC. 8. That on and after the first day of January, eighteen hundred and seventy-eight, any holder of United States notes to the amount of fifty dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, who is authorized and required to issue, in exchange for said notes, an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the fourteenth of July, eighteen hundred and seventy, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the twentieth day of January, eighteen hundred and seventy-one, which bond shall continue to be exempt from taxation as provided in said act: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par, or, with the consent of the holder, in the redemption of bonds then redeemable at par, or in the purchase of bonds at not less than par, or to meet the current payments for public service; and when used to meet current payments an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds.

SEC. 9. That nothing in this act shall be construed to authorize any increase of the principal of the public debt of the United States.

June 12—The report, after debate, was concurred in—yeas 32, nays 23, not voting 18:

YEAS—Messrs. Allison, *Bogy*, Carpenter, Clayton, Conover, Dorsey, Ferry of Michigan, Gilbert, *Goldthwaite*, Harvey, Hitchcock, Howe, Ingalls, *Johnston*, Logan, *McCreery*, *Merrimon*, Mitchell, Morton, *Norwood*, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Sherman, Spencer, TIPTON, West, Wright—32.

NAYS—Messrs. Alcorn, Anthony, *Bayard*, Boutwell, Buckingham, Conkling, Edmunds, Flanagan, Frelinghuysen, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Jones, Morrill of Maine, Morrill of Vermont, Sargent, SCHURZ, *Stevenson*, Stewart, *Stockton*, *Thurman*, Washburne—23.

ABSENT—Messrs. Boreman, Brownlow, Cameron, Chandler, *Cooper*, Cragin, *Davis*, *Dennis*, FENTON, Ferry of Connecticut, *Gordon*, *Kelly*, Lewis, *Ransom*, *Saulsbury*, Sprague, Wadleigh, Windom—18.

IN HOUSE.

June 13—The conference report was disagreed to—yeas 108, nays 146, not voting 35:

YEAS—Messrs. Albright, Averill, Barber, Barrere, Begole, Biery, Bradley, BROMBERG, Bundy, Burchard, Burrows, R. R. Butler, Cain, Cannon, Cessna, A. Clark, Clements, C. L. Cobb, S. A. Cobb, Conger, Cotton, Crounse, Crutchfield, Curtis, Darrall, Dobbins, Dunnell, Farwell, Fort, C. Foster, Garfield, Hagans, Harrison, J. B. Hawley, Hays, J. W. Hazelton, Hodges, Howe, Hunter, Hurlbut, HYNES, Kasson, Lamport, Lansing, B. Lewis, Lofland, Loughridge, Lowe, J. R. Lynch, Martin, Maynard, McCrary, A. S. McDill, J. W. McDill, McKee, McNulta, Merriam, Monroe, Morey, L. Myers, Negley, Orr, Packard, Packer, Parsons, Pelham, Phillips, J. H. Platt, Pratt, Purman, Rainey, Ransier, Rapier, Ray, J. B. Rice, Richmond, J. W. Robinson, Ross, Rusk, Sawyer, Scofield, I. W. Scudder, Sheats, I. R. Sherwood, L. D. Shoemaker, A. H. Smith, G. L. Smith, J. A. Smith, J. Q. Smith, Snyder, Sprague, Stowell, Strait, Strawbridge, C. R. Thomas, Thornburgh, Todd, Waldron, J. D. Ward, M. L. Ward, Whiteley, G. Willard, C. G. Williams, Williams of Indiana, W. B. Williams, Wilshire, J. Wilson, Woodworth—108.

NAYS—Messrs. *Adams*, Albert, *Archer*, *Arthur*, *Ashe*, *Atkins*, BANNING, *Barnum*, Bass, *J. B. Beck*, *H. P. Bell*, *Berry*, *Bland*, *Blount*, *Bowen*, *Bright*, *Brown*, *Buckner*, Buffinton, Burleigh, B. F. Butler, *J. H. Caldwell*, Cason, *J. B. Clark*, F. Clarke, *Clymer*, Coburn, *Comingo*, *Cook*, Corwin, *Cox*, *Creamer*, *Crittenden*, Crooke, *Crossland*, Danford, *J. J. Davis*, Dawes, Donnan, *Durham*, Eames, *Eden*, Frye, *Giddings*, *Glover*, Gooch, Gunckel, E. Hale, *Hamilton*, *Hancock*, B. W. Harris, *H. R. Harris*, *J. T. Harris*, *Hatcher*, Hathorn, Havens, J. R. Hawley, Hendee, *Hereford*, *Herndon*, E. R. Hoar, G. F. Hoar, Hooper, Hoskins, *Hunton*, Hyde, *Jewett*, Kelley, Kellogg, *Kendall*, *Knapp*, *Lamar*, *Lamison*, Lawrence, Lawson, *Leach*, Lowndes, *Luttrell*, *Magee*, *Marshall*, *McLean*, *Milliken*, *Mills*, W. S. Moore, *Morrison*, *Neal*, *Nesmith*, *W. E. Niblack*, Niles, Nunn, *O'Brien*, O'Neill, Orth, Page, *H. W. Parker*, I. C. Parker, Pendleton, *E. Perry*, Phelps, Pierce, Pike, T. C. Platt, Poland, *Potter*, *Randall*, *Read*, E. H. Roberts, *J. C. Robinson*, H. B. Sayler, *M. Sayler*, *J. G. Schumaker*, H. J. Scudder, Sener, Sessions, Shanks, Sloan, Small, Smart, H. B. Smith, *Southard*, *Speer*, Stanard, *Standeford*, Starkweather, *Stone*, *Storm*, *Swann*, Sypher, C. Y. Thomas, Tremain, Tyner, *Vance*, Wallace, Walls, *Wells*, Wheeler, White, *Whitehead*, WHITEHOUSE *Whitthorne*, C. W. Willard, *Willie*, *Wolfe*, *Wood*, Woodford, *J. D. Young*.—146.

NOT VOTING—Messrs. Barry, Clayton, Crocker, *De Witt*, Duell, *Eldredge*, Elliott, Field, Freeman, R. S. Hale, Harmer, G. W. Hazelton, Hersey,

Holman, Houghton, Hubbell, Killinger, MacDougall, McJunkin, *Mitchell*, *Robbins*, *W. R. Roberts*, Sheldon, *Sloss*, W. A. Smith, *A. H. Stephens*, St. John, Taylor, W. Townsend, *Waddell*, Wilber, J. M. S. Williams, *E. K. Wilson*, J. M. Wilson, *P. M. B. Young*—35.

Mr. DAWES moved that the House ask a further conference with the Senate on the disagreeing votes of the two Houses; which was agreed to—yeas 197, nays 48, and the SPEAKER appointed Messrs. DAWES, MCCRARY, and MARSHALL as conferees on the part of the House; and in the Senate, the PRESIDENT *pro tempore* appointed Messrs. WRIGHT, FERRY of Michigan, and STEVENSON as the conferees on the part of the Senate.

SECOND CONFERENCE REPORT.

Being the bill as finally passed.

June 18—Mr. WRIGHT submitted a report from the committee of conference, in which they unanimously recommend that the bill pass as follows:

SEC. 1. *Be it enacted, &c.*, That the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national bank act."

SEC. 2. That section thirty-one of "the national bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever, by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

SEC. 3. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to five per cent. of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section two of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption in sums of one thousand dollars, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of five hundred dollars, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks, worn, defaced, mutilated, or otherwise unfit for circulation, shall, when received by any Assistant Treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption, as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced, as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: *And provided further*, That so much of section thirty-two of said national bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 4. That any association organized under this act or of any of the acts of which this is an amendment, desiring to withdraw its circulating notes in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States, in sums of not less than nine thousand dollars, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes, which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national bank act; and the outstanding notes of said association, to an amount equal to the legal tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below fifty thousand dollars.

SEC. 5. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national bank notes which may be hereafter issued by him.

SEC. 6. That the amount of United States notes outstanding and to be used as a part of the circulating medium shall not exceed the sum of three hundred and eighty-two million dollars, which said sum shall appear in each monthly statement of the public debt; and no part thereof shall be held or used as a reserve.

SEC. 7. That so much of the act entitled "An act to provide for the redemption of the three per cent. temporary loan certificates and for an increase of national bank notes," as provides that no circulation shall be withdrawn, under the provisions of section six of said act, until after the fifty-four millions granted in section one of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith, and he is hereby authorized and required, from time to time, as applications shall be duly made therefor, and until the full amount of fifty-

five million dollars shall be withdrawn, to make requisition upon each of the national banks described in said section, and in the manner therein provided, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or in lieu thereof to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation: and upon the return of the circulation required or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 8. That upon the failure of the national banks upon which requisition for circulation shall be made, or any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section forty-nine of the national currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be any excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national bank depositaries of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation as required, to assort and return to the Treasury, for redemption, the notes of such associations as shall come into their hands, until the amount required shall be redeemed, and in like manner to assort and return to the Treasury, for redemption, the notes of such national banks as have failed or gone into voluntary liquidation for the purpose of winding up their affairs, and of such as shall hereafter so fail or go into liquidation.

SEC. 9. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency, and he is hereby required, to issue circulating notes, without delay, as applications therefor are made, not to exceed the sum of fifty-five million dollars, to associations organized or to be organized in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of eighteen hundred and seventy; and every association hereafter organized shall be subject to and be governed by the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national bank act;" *Provided*, That the whole amount of circulation withdrawn and redeemed from banks transacting business shall not exceed fifty-five million dollars, and that such circulation shall be withdrawn and redeemed as it shall be necessary to supply the circulation previously issued to the banks in those States having less than their apportionment: *And provided further*, That not more than thirty million dollars shall be withdrawn and redeemed, as contemplated, during the fiscal year ending June 30, 1875.

June 19—After debate the report of the conference committee was concurred in—yeas 43, nays 19, not voting 11:

YEAS—Messrs. Alcorn, Allison, *Bogy*, Boreman, Carpenter, Chandler, Clayton, Conover, *Cooper*, Cragin, *Davis*, *Dennis*, Ferry of Michigan, Gilbert, *Goldthwaite*, *Gordon*, Harvey, Hitchcock, Ingalls, *Johnston*, *Kelly*, *McCreery*, *Merrimon*, Mitchell, Morton, *Norwood*, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, *Ransom*, Robertson, Scott, Sherman, Sprague, *Stevenson*, *Thurman*, TIPTON, Wadleigh, West, Windom, Wright—43.

NAYS—Messrs. Anthony, *Bayard*, Boutwell, Buckingham, Edmunds, FENTON, Flanagan, Frelinghuysen, *Hager*, *Hamilton* of Maryland, HAMILTON of Texas, Hamlin, Jones, Morrill of Maine, Morrill of Vermont, Sargent, Stewart, *Stockton*, Washburn—19.

ABSENT—Messrs. Brownlow, Cameron, Conkling, Dorsey, Ferry of Connecticut, Howe, Lewis, Logan, *Saulsbury*, SCHURZ, Spencer—11.

IN HOUSE.

June 20—Mr. DAWES submitted the report of the committee as above; which was agreed to—yeas 221, nays 40, not voting 28.

YEAS—Messrs. *Adams*, Albert, Albright, *Arthur*, *Ashe*, *Atkins*, Averill, BANNING, Barber, Barrere, Barry, *J. B. Beck*, Begole, *H. P. Bell*, *Berry*, Biery, *Bland*, *Blount*, *Bowen*, Bradley, *Bright*, *Brown*, *Buckner*, Bundy, Burchard, Burleigh, Burrows, B. F. Butler, R. R. Butler, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, F. Clarke, Clements, *Clymer*, C. L. Cobb, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, Cotton, *Creamer*, *Crittenden*, *Crossland*, Crounse, Crutchfield, Curtis, Danford, Darrall, *J. J. Davis*, Dawes, Dobbins, Donnan, Duell, Dunnell, *Durham*, *Eldredge*, Field, Fort, C. Foster, Frye, Garfield, *Glover*, Gooch, Gunckel, Gunter, Hagans, E. Hale, *Hancock*, B. W. Harris, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Hathorn, Havens, J. B. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, *Hereford*, Hodges, *Holman*, Hoskins, Houghton, Howe, Hubbell, Hunter, *Hunton*, Hurlbut, Hyde, HYNES, *Jewett*, Kasson, Kelley, *Knapp*, *Lamar*, *Lamison*, Lamport, Lansing, Lawrence, *Leach*, B. Lewis, Lofland, Loughridge, Lowe, Lowndes, J. R. Lynch, *Marshall*, Martin, Maynard, McCrary, J. W. McDill, MacDougall, McJunkin, McKee, Merriam, *Milliken*, *Mills*, Monroe, W. S. Moore, Morey, *Morrison*, *Neal*, Negley, *W. E. Niblack*, Niles, O'Neill, Orr, Orth, Packard, Packer, I. C. Parker, Parsons, Pelham, *E. Perry*, Phillips, Pike, J. H. Platt, T. C. Platt, Pratt, Rainey, *Randall*, Ransier, Rapier, Ray, *Read*, J. B. Rice, Richmond, Robbins, E. H. Roberts, J. C. Robinson,

J. W. Robinson, Ross, Rusk, Sawyer, H. B. Sayler, *M. Sayler*, I. W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, Sloan, *Sloss*, Small, A. H. Smith, G. L. Smith, H. B. Smith, J. A. Smith, J. Q. Smith, Snyder, *Southard*, *Speer*, Sprague, Stanard, *Standeford*, Starkweather, St. John, *Stone*, Stowell, Strait, Strawbridge, Sypher, C. R. Thomas, C. Y. Thomas, Thornburgh, Todd, Tremain, Tyner, *Vance*, Waldron, Wallace, J. D. Ward, M. L. Ward, *Wells*, Wheeler, White, *Whitehead*, Whiteley, *Whitthorne*, Wilber, G. Willard, C. G. Williams, J. M. S. Williams, Williams of Indiana, W. B. Williams, *Willie*, J. Wilson, J. M. Wilson, *Wolfe*, Woodworth, *J. D. Young*, *P. M. B. Young*—221.

NAYS—Messrs. *Archer*, *Barnum*, Bass, BROMBERG, Buffinton, *Cox*, Crooke, Eames, *Giddings*, *Hamilton*, J. R. Hawley, Hendee, *Herndon*, E. R. Hoar, G. F. Hoar, Hooper, Kellogg, *Kendall*, Lawson, *Luttrell*, *Magee*, *McLean*, *Nesmith*, *O'Brien*, Page, *H. W. Parker*, Pendleton, Phelps, Pierce, *Potter*, *J. G. Schumaker*, Scofield, H. J. Scudder, Smart, *Storm*, *Swann*, W. Townsend, WHITEHOUSE, C. W. Willard, Woodford—40.

NOT VOTING—Messrs. Cain, Clayton, Crocker, *De Witt*, *Eden*, Elliott, Farwell, Freeman, R. S. Hale, Harmer, Hersey, Killinger, A. S. McDill, McNulta, *Mitchell*, L. Myers, Nunn, Poland, Purman, *W. R. Roberts*, L. D. Shoemaker, W. A. Smith, *A. H. Stephens*, Taylor, *Waddell*, Walls, *E. K. Wilson*, *Wood*—28.

June 22—A message from the PRESIDENT announced that he had approved and signed the above bill.

Separate House Action—Volume of Legal-Tender Notes.

1874, January 22—Mr. DAWES, instructed by the Committee on Ways and Means, reported the following bill:

Whereas the existing uncertainty as to whether the amount of legal-tender notes now authorized by law to be kept in general circulation is three hundred and fifty-six million dollars or four hundred million dollars is calculated to derange the business of the country and unsettle values: Therefore,

Be it enacted, &c., That the provisions of law existing prior to the passage of the act approved April twelfth, eighteen hundred and sixty-six, entitled "An act to amend an act to provide ways and means to support the Government, approved March third, eighteen hundred and sixty-five," be, and the same are hereby, declared to be in force so as to authorize the amount of legal-tender notes of the United States to the amount of four hundred million dollars to be kept in general circulation; and the total amount of United States notes issued, or to be issued, shall never exceed four hundred million dollars.

Mr. E. H. ROBERTS moved to strike out all after "declared to be in force," and insert "to the extent that the total amount of legal-tender notes of the United States issued, or to be issued, shall be, and shall never exceed $382,000,000.

Mr. DAWES moved to amend the amendment by striking out of the bill all after the words "be and the same are hereby," and inserting in lieu thereof the words:

"So far amended that hereafter the total amount of United States notes in circulation, at any one time, shall not exceed $356,000,000; and the Secretary of the Treasury is hereby directed to withdraw from circulation and to cancel whatever amount of such notes are now in circulation beyond that sum, as soon as the same can be done consistently with the exigencies of the Treasury."

Mr. DAWES' amendment was disagreed to—yeas 70, nays 171:

YEAS—Messrs. Albert, *Archer*, *Barnum*, Bass, BROMBERG, Buffinton, Burleigh, Clayton, *Clymer*, *Cox*, Crooke, Dawes, *De Witt*, Eames, Frye, Garfield, Gooch, E. Hale, R. S. Hale, *Hamilton*, *Hancock*, B. W. Harris, J. R. Hawley, Hendee, *Herndon*, E. R. Hoar, G. F. Hoar, Hooper, Hoskins, Kellogg, *Kendall*, Lawson, Lowndes, *Luttrell*, *Magee*, MacDougall, Mellish, *Mitchell*, *Nesmith*, *O'Brien*, Page, *H. W. Parker*, Parsons, Pendleton, *E. Perry*, Phelps, Pierce, Pike, J. H. Platt, Poland, *Potter*, *Randall*, *Read*, J. B. Rice, E. H. Roberts, Sawyer, *J. G. Schumaker*, H. J. Scudder, Smart, Starkweather, *Stone*, *Storm*, W. Townsend, Tremain, Waldron, Wheeler, WHITEHOUSE, C. W. Willard, G. Willard, Woodford—70.

NAYS—Messrs. *Adams*, *Arthur*, *Ashe*, *Atkins*, Averill, BANNING, Barber, Barry, *J. B. Beck*, Begole, *H. P. Bell*, *Bland*, *Blount*, *Bowen*, Bradley, *Bright*, *Buckner*, Bundy, Burchard, B. F. Butler, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, Clements, S. A. Cobb, Coburn, Conger, *Cook*, Corwin, Cotton, *Crossland*, Crounse, Crutchfield, Curtis, Danford, Darrall, *J. J. Davis*, Dobbins, Donnan, Duell, Dunnell, *Durham*, *Eden*, *Eldredge*, Farwell, Field, Fort, C. Foster, Freeman, *Giddings*, *Glover*, Gunckel, Hagans, Harmer, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Hathorn, Havens, J. B. Hawley, Hays, G. W. Hazelton, *Hereford*, Hodges, *Holman*, Houghton, Howe, Hubbell, Hunter, *Hunton*, Hurlbut, Hyde, Kasson, Kelley, Killinger, *Knapp*, *Lamar*, Lamport, Lansing, Lawrence, *Leach*, B. Lewis, Loughridge, Lowe, J. R. Lynch, *Marshall*, Martin, Maynard, McCrary, A. S. McDill, J. W. McDill, McKee, McNulta, Merriam, *Milliken*, Monroe, L. Myers, *Neal*, Negley, *W. E. Niblack*, O'Neil, Orr, Orth, Packard, Packer, I. C. Parker, Pelham, Phillips, T. C. Platt, Pratt, Purman, Rainey, Ransier, Rapier, *Rawls*, Ray, Richmond, *Robbins*, *W. R. Roberts*, *J. C. Robinson*, J. W. Robinson, Ross, Rusk, H. B. Sayler, *M. Sayler*, I. W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, *Sloss*, A. H. Smith, H. B. Smith, J. A. Smith, J. Q. Smith, Snyder, *Southard*, *Speer*, Sprague, *Standeford*, Strait, Strawbridge, Taylor, Thornburgh, Todd, Tyner, *Vance*, Wallace, Walls, J. D. Ward, M. L. Ward, *Wells*, *Whitehead*, *Whitthorne*, C. G. Williams, Williams of Indiana, W. B. Williams, J. Wilson, J. M. Wilson, *Wolfe*, *Wood*, Woodworth, *J. D. Young*, *P. M. B. Young*—171.

Mr. E. H. ROBERTS' amendment was disagreed to—yeas 74, nays 173:

YEAS—Messrs. Albert, Bass, BROMBERG, Buffinton, Burchard, Burleigh, *Clymer*, Cotton, *Cox*, Crooke, Darrell, Dawes, Eames, Frye, Garfield, Gooch, E. Hale, R. S. Hale, *Hamilton*, *Hancock*,

B. W. Harris, J. R. Hawley, Hendee, *Herndon*, E. R Hoar, G. F. Hoar, Hooper, Hoskins, Kasson, Kellogg, *Kendall*, Lawson, Lowndes, *Magee*, J. W. McDill, MacDougall, Mellish, *Mitchell*, *Nesmith*, Niles, *O'Brien*, O'Neill, *H. W. Parker*, Parsons, Pendleton, *E. Perry*, Phelps, Pierce, Pike, J. H. Platt, Poland, *Potter*, *Randall*, *Reed*, J. B. Rice, E. H. Roberts, Sawyer, Scofield, H. J. Scudder, Smart, H. B. Smith, J. Q. Smith, Starkweather, *Stone*, *Storm*, W. Townsend, Tremain, Waldron, M. L. Ward, Wheeler, C. W. Willard, G. Willard, C. G. Williams, Woodford—74.

NAYS—Messrs. *Adams*, *Archer*, *Arthur*, *Ashe*, *Atkins*, Averill, BANNING, Barber, *Barnum*, Barry, J. B. Beck, Begole, H. P. Bell, *Berry*, *Bland*, *Blount*, *Bowen*, Bradley, *Bright*, *Buckner*, Bundy, B. F. Butler, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, Clayton, Clements, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, *Crossland*, Crounse, Crutchfield, Curtis, Danford, *J. J. Davis*, *De Witt*, Dobbins, Donnan, Duell, Dunnell, *Durham*, *Eden*, *Eldredge*, Farwell, Field, Fort, C. Foster, Freeman, *Giddings*, *Glover*, Gunckel, Hagans, Harmer, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Hathorn, Havens, J. B. Hawley, Hays, G. W. Hazelton, *Hereford*, Hodges, *Holman*, Houghton, Howe, Hubbell, Hunter, *Hunton*, Hurlbut, Hyde, HYNES, Kelley, Killinger, *Knapp*, *Lamar*, Lamport, Lansing, Lawrence, *Leach*, B. Lewis, Loughridge, Lowe, *Luttrell*, J. R. Lynch, *Marshall*, Martin, Maynard, McCrary, A. S. McDill, McKee, McNulta, Merriam, *Milliken*, Monroe, L. Myers, *Neal*, Negley, *W. E. Niblack*, Orr, Orth, Packard, Packer, Page, I. C. Parker, Pelham, Phillips, T. C. Platt, Pratt, Purman, Rainey, Ransier, Rapier, Rawls, Ray, Richmond, *Robbins*, *W. R. Roberts*, *J. C. Robinson*, J. W. Robinson, Ross, Rusk, H. B. Sayler, *M. Sayler*, *J. G. Schumaker*, I. W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, *Sloss*, A H Smith, J. A. Smith, Snyder, *Southard*, *Speer*, Sprague, *Standeford*, Strait, Strawbridge, Taylor, Thornburgh, Todd, Tyner, *Vance*, Wallace, Walls, J. D. Ward, *Wells*, *Whitehead*, WHITEHOUSE, Whiteley, *Whitthorne*, Williams of Indiana, W. B. Williams, J. Wilson, J. M. Wilson, *Wolfe*, *Wood*, Woodworth, *J. D. Young*, *P. M. B. Young*—173.

The bill was then passed—yeas 169, nays 77:

YEAS—Messrs. *G. M. Adams*, *Arthur*, *Ashe*, *Atkins*, Averill, BANNING, Barber, Barry, *J. B. Beck*, Begole, *H. P. Bell*, *Bland Blount*, *Bowen*, Bradley, *Bright*, Bundy, B. F. Butler, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, Clements, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, Crooke, *Crossland*, Crounse, Crutchfield, Curtis, Danford, Darrall, *J. J. Davis*, Dobbins, Donnan, Duell, Dunnell, *Durham*, *Eden*, *Eldredge*, Farwell, Field, Fort, C. Foster, Freeman, *Giddings*, *Glover*, Gunckel, Hagans, Harmer, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Hathorn, Havens, J. B. Hawley, Hays, G. W. Hazelton, *Hereford*, *Holman*, Houghton, Howe, Hubbell, Hunter, *Hunton*, Hurlbut, Hyde, Kasson, Killinger, *Knapp*, *Lamar*, Lamport, Lansing, Lawrence, *Leach*, B. Lewis, Loughridge, Lowe, J. R. Lynch, *Marshall*, Martin, Maynard, McCrary, A. S. McDill, J. W. McDill, McKee, *McLean*, McNulta, *Milliken*, Monroe, L. Myers, *Neal*, Negley, *W. E. Niblack*, O'Neill, Orr, Orth, Packard, Packer, I. C. Parker, Pelham, Phillips, J. H. Platt, T. C. Platt, Pratt, Purman, Rainey, Ransier, Rapier, *Rawls*, Ray, J. B. Rice, Richmond, *Robbins*, *W. R. Roberts*, *J. C. Robinson*, J. W. Robinson, Ross, Rusk, H. B. Sayler, *M. Sayler*, I. W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, *Sloss*, A. H. Smith, H. B. Smith, J. A. Smith, *Southard*, *Speer*, Sprague, *Standeford*, Strait, Strawbridge, Taylor, Thornburgh, Todd, Tyner, *Vance*, Wallace, Walls, J. D. Ward, *Wells*, *Whitehead*, Whiteley, *Whitthorne*, C. G. Williams, Williams of Indiana, W. B. Williams, *Willie*, J. Wilson, J. M. Wilson, *Wolfe*, *Wood*, Woodworth, *J. D. Young*, *P. M. B. Young*—169.

NAYS—Messrs. Albert, *Archer*, *Barnum*, Bass, BROMBERG, *Buckner*, Buffinton, Burchard, Burleigh, Clayton, *Clymer*, Cotton, *Cox*, Dawes, *De Witt*, Eames, Frye, Garfield, Gooch, E. Hale, R. S. Hale, *Hancock*, B. W. Harris, J. R. Hawley, Hendee, *Herndon*, E. R. Hoar, G. F. Hoar, Hodges, Hooper, Hoskins, HYNES, Kelley, Kellogg, *Kendall*, Lawson, Lowndes, *Luttrell*, *Magee*, MacDougall, Mellish, Merriam, *Mitchell*, Niles, *O'Brien*, Page, *H. W. Parker*, Parsons, Pendleton, *E. Perry*, Phelps, Pierce, Pike, Poland, *Potter*, *Randall*, *Read*, E. H. Roberts, Sawyer, *J. G. Schumaker*, Scofield, H. J. Scudder, Smart, J. Q. Smith, Snyder, Starkweather, *Stone*, *Storm*, W. Townsend, Tremain, Waldron, M. L. Ward, Wheeler, WHITEHOUSE, C. W. Willard, G. Willard, Woodford—77.

House Resolutions.

TEMPORARY LOAN, TAXATION, PUBLIC DEBT, AND ECONOMY IN PUBLIC EXPENDITURES.

1874, January 12—A motion made by Mr. KELLEY to suspend the rules and agree to the following resolution—

Resolved, That it is the sense of this House that the taxes which now burden the people should not be increased, but that the extraordinary means, if any be required, for the support of the Government during the temporary paralysis in the industries of the country now prevailing, should be met by a temporary loan or loans, bearing a low rate of interest in currency, and redeemable in United States notes,

Came up, and was disagreed to, (two thirds not voting in favor thereof,)—yeas 154, nays 83:

YEAS—Messrs. *Adams*, Albright, *Archer*, *Arthur*, *Ashe*, *Atkins*, Averill, Barry, Bass, Begole, *H. P. Bell*, *Berry*, Biery, *Blount*, *Bowen*, *Brown*, *Buckner*, Bundy, Burrows, B. F. Butler, R. R. Butler, Cain, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, F. Clark, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, *Crittenden*, *Crossland*, Crutchfield, Curtis, Danford, Darrall, *A. M. Davis*, Dobbins, Donnan, Duell, Dunnell, *Durham*, *Eden*, Elliott, Farwell, Field, Fort, Freeman, *Glover*, Harmer, *H. R. Harris*, *Hatcher*, Havens, J. B. Hawley, Hays, *Hereford*, Hersey, *Holman*, Houghton, Howe, Hubbell, Hunter, *Hunton*, Hyde, HYNES, Kelley, *Kendall*, Killinger, *Knapp*, *Lamison*, Lansing, Lawrence, *Leach*, Loughridge, Lowe, Lowndes, *Luttrell*, J. R. Lynch, *Magee*, *Marshall*, McJun-

kin, McNulta, *Milliken*, *Mills*, Monroe, W. S. Moore, Morey, L. Myers, *Neal*, Negley, *Nesmith*, *W. E. Niblack*, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, *H. W. Parker*, I. C. Parker, Pratt, *Randall*, Rapier, *Read*, Richmond, *Robbins*, J. W. Robinson, Rusk, H. B. Sayler, Sener, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, *Sloss*, Small, W. A. Smith, *Southard*, Sprague, Stanard, *Standeford*, Strait, Strawbridge, Taylor, Thornburgh, Todd, W. Townsend, Tyner, *Vance*, *Waddell*, Wallace, J. D. Ward, M. L. Ward, *Wells*, White, *Whitehead*, *Whitthorne*, Wilber, Williams of Indiana, W. B. Williams, *Willie*, J. Wilson, *Wolfe*, Woodworth, *J. D. Young*, *P. M. B. Young*—154.

NAYS—Messrs. Albert, *Barnum*, *J. B. Beck*, *Bland*, Bradley, *Bright*, Buffinton, Burchard, Burleigh, Clayton, *Clymer*, Cotton, *Cox*, Crocker, Crounse, Dawes, *De Witt*, Eames, C. Foster, Frye, Garfield, *Giddings*, Gooch, Gunckel, E. Hale, R. S. Hale, *Hamilton*, *Hancock*, B. W. Harris, Harrison, Hathorn, J. R. Hawley, Hendee, *Herndon*, E. R. Hoar, G. F. Hoar, Hoskins, Kasson, Lawson, B. Lewis, Maynard, McCrary, A. S. McDill, J. W. McDill, MacDougall, Mellish, Merriam, *Mitchell*, *Morrison*, Niles, *O'Brien*, Pendleton, *E. Perry*, Phelps, Pierce, T. C. Platt, Poland, *Potter*, Rainey, Ray, J. B. Rice, E. H. Roberts, Sawyer, *J. G. Schumaker*, Scofield, I. W. Scudder, Smart, A. H. Smith, H. B. Smith, J. Q. Smith, Starkweather, *Stone*, *Storm*, Stowell, *Swann*, Waldron, Wheeler, WHITEHOUSE, C. W. Willard, C. G. Williams, J. M. S. Williams, *Wood*, Woodford—83.

Mr. HOLMAN moved to suspend the rules and pass the following resolution:

Resolved, That in the judgment of this House there is no necessity for inceased taxation or for an increase of the public debt by a further loan if there shall be severe economy in the public expenditures; and in view of the condition of the national finances this House will reduce the appropriations and public expenditures to the lowest point consistent with a proper administration of public affairs.

The rules were suspended and the resolution agreed to—yeas 222, nays 3:

YEAS—Messrs. *Adams*, Albert, Albright, *Archer*, *Arthur*, *Ashe*, *Atkins*, Averill, BANNING, *Barnum*, Barrere, Barry, *J. B. Beck*, Begole, *H. P. Bell*, *Berry*, Biery, *Bland*, *Blount*, *Bowen*, Bradley, *Bright*, *Brown*, *Buckner*, Buffinton, Bundy, Burchard, Burleigh, Burrows, R. R. Butler, Cain, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, F. Clarke, Clayton, Clements, *Clymer*, S. A. Cobb, Coburn, *Comingo*, Conger, *Cook*, Corwin, Cotton, *Cox*, *Crittenden*, Crocker, Crutchfield, Curtis, Danford, *A M. Davis*, Dawes, *De Witt*, Dobbins, Donnan, Duell, Dunnell, *Durham*, Eames, *Eden*, Elliott, Farwell, Field, Fort, C. Foster, Frye, Garfield, *Giddings*, *Glover*, Gooch, Gunckel, E. Hale, R. S. Hale, *Hamilton*, *Hancock*, Harmer, B. W. Harris, *H. R. Harris*, Harrison, *Hatcher*, Havens, J. B. Hawley, J. R. Hawley, G. W. Hazelton, Hendee, *Hereford*, *Herndon*, Hersey, E. R. Hoar, *Holman*, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, *Hunton*, Hurlbut, Hyde, HYNES, Kasson, Kelley, *Kendall*, Killinger, *Knapp*, *Lamison*, Lansing, Lawrence, Lawson, *Leach*, Loughridge, Lowe, Lowndes, *Luttrell*, J. R. Lynch, *Magee*, *Marshall*, Martin, Maynard, McCrary, A. S. McDill, J. W. McDill, MacDougall, McNulta, Merriam, *Milliken*, *Mills*, *Mitchell*, Monroe, W. S. Moore, *Morrison*, L. Myers, *Neal*, Negley, *Nesmith*, *W. E. Niblack*, Nunn, O'Neill, Orr, Orth, Packard, Packer, *H. W. Parker*, I. C. Parker, Parsons, Pelham, Pendleton, *E. Perry*, Phelps, Phillips, Pierce, T. C. Platt, Poland, *Randall*, Ransier, Rapier, Ray, *Read*, J. B. Rice, Richmond, *Robbins*, E. H. Roberts, J. W. Robinson, Rusk, Sawyer, H. B. Sayler, *M. Sayler*, *J. G. Schumaker*, Scofield, I. W. Scudder, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, *Sloss*, Small, A. H. Smith, H. B. Smith, J. Q. Smith, *Southard*, Sprague, *Standeford*, Starkweather, *Stone*, *Storm*, Strait, Strawbridge, *Swann*, Taylor, Thornburgh, Todd, W. Townsend, Tyner, *Vance*, *Waddell*, Waldron, Walls, J. D. Ward, *Wells*, White, *Whitehead*, WHITEHOUSE, *Whitthorne*, Wilber, C. W. Willard, C. G. Williams, J. M. S. Williams, Williams of Indiana, W. B. Williams, *Willie*, J. Wilson, *Wolfe*, *Wood*, Woodworth, *J. D. Young*, *P. M. B. Young*—222.

NAYS—Messrs. Barber, Hays, W. A. Smith—3.

Mr. J. R. HAWLEY moved to suspend the rules and pass the following:

Resolved, That, in the opinion of this House, the expenditures of the nation can and should be so reduced and regulated that they can be met by the existing taxes; and in no event should there be an increase of either interest-bearing or non-interest-bearing obligations of the Government.

Two-thirds voting in favor thereof the rules were suspended and the resolution adopted.

XIV.

THE TRANSPORTATION QUESTION.

FORTY-SECOND CONGRESS, THIRD SESSION.

IN HOUSE.

1873, January 27.—Mr. JOHN B. HAWLEY moved to suspend the rules and pass a bill to provide for the appointment of commissioners to collect information in relation to railroads forming lines of commerce between States.

Without voting, the House adjourned.

February 3.—Mr. HAWLEY's motion coming up as the regular order, the House refused to suspend the rules, two-thirds not voting in favor thereof—yeas 75, nays 98:

YEAS—Messrs. Averill, Barber, Barry, Beatty, *J. G. Blair*, BOLES, Buckley, Bunnell, Burchard, Burdett, R. R. Butler, C. L. Cobb, Coghlan, Cotton, Darrall, Dickey, Donnan, Duell, Dunnell, Eames, Esty, Finkelnburg, W. D. Foster, Frye, Garfield, *Haldeman*, Harmer, Havens, J. B. Hawley, J. R. Hawley, Hay, Hays, G. W. Hazelton, J. W. Hazelton, G. F. Hoar, *Kendall*, Killinger, Lamport, *McCormick*, McCrary, McGrew, *McHenry*, McJunkin, Merriam, Monroe, Morey, L. Myers, Orr, Packard. Packer, I. C. Parker, Peck. Pendleton, Porter, E. H. Roberts, Shanks, Sheldon, Shellabarger, L. D. Shoemaker, H. B. Smith, J. A. Smith, Sprague, Starkweather, Stevenson, Stoughton, Stowell, W. Townsend, Tyner, Wakeman, Walden, Wheeler, Whiteley, Williams of Indiana, J. M. Wilson, J. T. Wilson—75.

NAYS—Messrs. *Acker*, *Adams*, *Archer*, *Arthur*, *E. W. Beck*, *J. B. Beck*, *S. N. Bell*, Bingham, *Bird*, A. BLAIR, *Boarman*, *Braxton*, *Bright*, Buffinton, B. F. Butler, *R. P. Caldwell*, *Comingo*, Conger, *Conner*, *Cox*, *Critcher*, *Crossland*, *Dodds*, *Dox*, *Du Bose*, *Duke*, *Eldredge*, *S. Ely*, *Getz*, *Giddings*, E. Hale, *Hancock*, *Handley*, *Hanks*, *Harper*, G. E. Harris, *J. T. Harris*, *Hereford*, *Herndon*, *Hibbard*, Hill, Hooper, *Kerr*, *King*, *Lamison*, *Leach*, *J. H. Lewis*, J. Lynch, *Manson*, *Marshall*, *McClelland*, *McIntyre*, *McKinney*, *McNeely*, *Merrick*, *B. F. Meyers*, *Mitchell*, *Morgan*, *S. L. Niblack*, *W. E. Niblack*, *H. W. Parker*, *E. Perry*, Peters, Poland, *Potter*, Ramey, *Randall*, *Read*, *E. Y. Rice*, *J. M. Rice*, *Ritchie*, *W. R. Roberts*, *J. C. Robinson*, *J. Rogers*, *S. H. Rogers*, Sargent, Sawyer, Scofield, *H. Sherwood*, *Shober*, *Slater*, *Slocum*, *Sloss*, *R. M. Speer*, *B. N. Stevens*, *Storm*, *Swann*, Taffe, Turner, *Tuthill*, Upson, *Van Trump*, *Voorhees*, *Waddell*, *Warren*, C. W. Willard, *Winchester*, *P. M. B. Young*—98.

FORTY-THIRD CONGRESS, FIRST SESSION.

1874, January 20—Mr. MCCRARY, from the Committee on Railways and Canals, reported H. R. 1385, a bill "to regulate commerce by railroad among the several States;" which was ordered printed and recommitted.

February 26—It was reported back with amendments.

March 25—After debate, the previous question was seconded—yeas 100, nays 49, and the main question ordered—yeas 129, nays 95.

Mr. NIBLACK moved that the bill be laid on the table.

Mr. ELDREDGE moved that the House adjourn; which was disagreed to—yeas 92, nays 129.

The question recurring on the amendments of the committee, all those in the body of the bill, being verbal, were regarded as concurred in, and the remaining amendment, to add a new section, (sec. 15,) was then agreed to, so that the bill as amended read as follows:

That each and every line of railroad extending into or through two or more States, and employed in carrying freight or passengers between points or places in different States, and whether owned and operated by one company, corporation, or person, and known by one name, or owned and operated by several companies, corporations, or persons, and known by several different names, shall be regarded as employed in commerce among the several States; and the company or companies, corporation or corporations, person or persons, owning or operating such line of railroad shall be, both jointly and severally, liable for any violation of the provisions of this act.

SEC. 2. That no such company, corporation, or person, so engaged in operating a line of railroad into or through two or more States as aforesaid shall charge, collect, demand, or receive more than a fair and reasonable rate of toll or compensation for the transportation of freight of any kind, or of passengers, or for the use or transportation of any railroad-car upon its track, loaded, or unloaded, between places in different States. Such reasonable rate of toll or compensation shall be ascertained and fixed in the manner hereinafter provided. And for each and every violation of this act, by charging, collecting, demanding, or receiving more than such reasonable rate, the company, corporation, person, or persons so offending shall be jointly and severally liable for extortion, as hereinafter provided.

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a board of railroad commissioners, which shall consist of nine members, one of whom shall be selected from, and be a resident of, each of the judicial circuits of the United States. Said board shall be composed of disinterested persons, and no person shall be a member thereof who is in any manner interested in the stock, bonds, or property of any railroad or other transportation company; and the duties of said board shall be as hereinafter provided.

SEC. 4. That the members of said board shall hold their offices for a term of six years, and until their successors are appointed and qualified, unless sooner removed by the President; and they shall receive, as full compensation for their services, the sum of four thousand dollars per annum each, and their actual and necessary travelling expenses, to be stated under oath, and audited as the Secretary of the Treasury may direct. At the first meeting of the board after their appointment, they shall divide themselves, by lot, into three classes. The members of the first class shall continue for two years; of the second class, for four years; of the third class, for six years; so that one-third may be appointed every second year; and whenever vacancies shall occur in said board, the President, by and with the advice and consent of the Senate, shall fill such vacancies by appointment for the unexpired portion of said term.

SEC. 5. That said board of railroad commissioners shall institute a thorough investigation and inquiry into the rates of toll and compensation charged for transporting freights and passengers over each of such lines of railroad as are herein described and designated, and into the reasonableness thereof: and shall, as soon as practicable after such investigation and inquiry, prepare for the owners and operators of each of such lines (except such as may be omitted as hereinafter provided) a separate schedule of reasonable maximum rates of charges for the transportation of passengers and freight and cars, loaded or unloaded, on or over said lines

respectively. Said schedule shall be duly authenticated by said board of commissioners, shall be printed and kept posted up in each of the offices and depots of such railroad company, corporation, or person. Each commissioner shall certify under his hand a printed or written copy of every schedule, and of every amendment to or revision of any schedule affecting any line of railroad extending into his circuit, and cause the same to be filed in the office of the clerk of the circuit court for his circuit as soon as possible after the completion of such schedule, or of such amendment or revision; and such official copy, when so filed, shall be received and held in all courts as conclusive evidence of said schedules, whether original, amended, or revised, and of all things therein contained. Copies of the same duly certified, from said circuit clerk's office, shall be received and read as evidence on any trial, in any court, to the same extent as the original on file. And from and after the filing of such original, amended, or revised schedules in the clerk's office, the railroad companies, and all others interested therein, shall be deemed affected by notice thereof, and of the contents of the same. For the purpose of prosecuting any investigation under this act, and for the purpose of ascertaining and fixing such reasonable maximum rates of charges, the said board shall have the power to administer oaths, to take the testimony of witnesses, to send for persons and papers, and to require the production before them of books, records, and papers, and for this purpose they may issue process, which shall be served by any marshal or deputy marshal of the United States. And in case any person summoned to appear as a witness before said board shall fail or refuse to appear, or if any person required by said board to produce before them any books, records, or papers in his possession, shall fail or refuse to produce the same, it shall be the duty of the board forthwith to report the facts to the nearest judge of the district or circuit court of the United States, who shall hear the matter summarily, whether in term-time or vacation, and shall make such order in the premises as may be deemed proper to compel such person to appear before said board, and answer all proper questions, and produce all papers, books, or records in his possession required by said board to be by him produced, and which, in the judgment of the court, are proper evidence to be considered by said board; and such judge may enforce his orders and punish disobedience thereto as in cases of contempt. Said commissioners may, from time to time, and so often as circumstances may require, change and revise said schedules, and shall give notice of such changes or revisions in the same manner as hereinbefore provided. The schedules aforesaid shall not be deemed invalid on account of any failure of the commissioners preparing the same to include therein all and every article or class of freight, but shall be held to be good and valid as to all articles or classes which are included or embraced therein; but it shall be the duty of such commissioners, whenever it comes to their knowledge that any article or class of freight has been omitted from any such schedule, to amend the same as soon as practicable by adding any such omitted articles or class: *Provided*, That if said board of railroad commissioners shall, after inquiry and investigation, be of the opinion that the charges of any one of the lines of railway described herein are already fair and reasonable, they may, in their discretion, omit to prepare a schedule for such line; but such omission shall only continue so long as the charges on such line shall continue to be fair and reasonable.

SEC. 6. That said board of railroad commissioners may sit at such place or places as they may see fit, and a majority of the members thereof shall constitute a quorum. A sub-committee of said board, of not less than three members, may sit for the purpose of taking testimony and making investigations under this act, and when so sitting such sub-committee shall have all the powers of said board in relation to taking testimony, administering oaths, issuing process, and compelling obedience thereto. Said board may also, at any time, depute any one of their number to take depositions, to be read in evidence at any hearing before the board, who shall have the same power to summon and examine witnesses and administer oaths as are herein given to the whole board. Persons duly summoned, who shall fail to appear or testify, or to produce any books, papers, or records in their possession when required, before such member, shall be liable to be proceeded against in the same way, and to the same penalties as are herein provided for failure or refusal to appear or testify, or to produce papers, records, or books, before the whole board.

SEC. 7. That said board of railroad commissioners shall be authorized to employ a secretary, who shall be paid an annual salary of three thousand dollars, to be paid as other salaries; and they shall also choose their president, and may adopt such rules and regulations for the government of their proceedings, not inconsistent with this act, as they may see fit. Witnesses, summoned to appear and testify before said board, who are not officers or agents of any railroad company concerned in the investigation, shall be allowed and paid the same fees as witnesses when summoned to appear and testify before the courts of the United States; said fees to be certified by the president and secretary of the board, and audited and paid as the Secretary of the Interior may direct: *Provided*, That no witness shall be summoned from a place outside of the district in which the board or sub committee may be sitting, unless the distance be less than one hundred miles.

SEC. 8. That any corporation, company, or person being engaged in the operation of any line of railroad into or through two or more States or parts of States as aforesaid, who shall, after such schedule shall have taken effect in relation thereto, be guilty of extortion by charging, collecting, demanding, or receiving more than a reasonable rate of toll or compensation for the transportation of freight, passengers, or cars over or upon any such line, shall forfeit and pay for each offense a sum of not less than five hundred nor more than five thousand dollars, to be recovered by action to be brought in the name of the United States in any district or circuit court of the United States, or, if in a Ter-

ritory, in any district court of the United States therein, in the form of an action of debt, or by such other form of action as may be provided by the law of the State in which such action is brought in like cases; and it shall be the duty of the district attorney for the proper district to institute and prosecute all suits for the recovery of the penalty aforesaid; and the corporation, company, or person being guilty of such extortion shall also be liable to the party injured thereby for the damages caused by such extortion, including a reasonable sum for attorneys' fees, to be fixed by the court trying the case, which such injured party may recover by action in his own name in either of the courts aforesaid; and the form of the action may be the same as in case of a suit to recover the penalty as hereinbefore provided. Either party to any action brought under the provisions of this act shall have the right to a trial by jury, and in any action instituted under the provisions of this act, whether it be a suit to recover the penalty aforesaid or a suit by the party injured to recover damages as aforesaid, any number of separate and distinct violations of the provisions of this act may be stated separately in separate counts, and a recovery may be had upon each. If, upon the trial of any such suit, brought either to recover said penalty or to recover damages as aforesaid, it shall be made to appear that the defendant has charged, collected, demanded, or received, for the transportation of freight or passengers or cars, a rate of toll or compensation greater than that fixed by the schedule aforesaid, then, and in that case, such defendant shall be deemed and held guilty of extortion, and liable therefor, unless such defendant shall show affirmatively that the rate charged, collected, demanded, or received for such transportation was nevertheless fair and reasonable: *Provided*, That nothing in this act contained shall be deemed and taken to diminish or take away any common-law right of action on the part of individuals aggrieved against such railroad corporation or common carriers, or any action taken in the matter by any State so far as regards commerce within the control of such State.

SEC. 9. That the provisions of this act shall apply to all persons, firms, companies, or associations, whether incorporated or not, who are or may be engaged as carriers of freight and passengers, or in carrying freight only, or in carrying passengers only, upon any lines of railway extending into or through two or more States; but this act shall not be construed as extending to or affecting such commerce as is actually, and in good faith, completely internal within any one of the several States. Each of the schedules of charges herein provided shall take effect from and after thirty days from the date of its being filed in the clerk's office as aforesaid.

SEC. 10. That in all cases where two or more persons, companies, or corporations unite together for the purpose of transporting freight or passengers over several lines of railroad from a place in one State to a place in another State, the several lines thus operated together shall be treated, for all the purposes of this act, as one line; and each and every of such persons, companies, and corporations shall be bound by the provisions of this act, and liable for any violation thereof. And in all cases where several lines of railway are united or connected together, and engaged in carrying freight or passengers into or through two or more States, by a continuous route, whether under one management or not, it shall not be lawful for them or any of them to evade the operation of this act by any form of contract designed for that purpose; and it shall be competent, in all suits brought under this act, to show that the defendant was in fact, when the alleged extortion occurred, engaged in operating a part of a continuous line of inter-State commerce; and upon such fact being made to appear, such defendant shall be held subject to the provisions of this act, whatever the character or form of the contract between such defendant and the shipper may have been.

SEC. 11. That it shall be the duty of said railroad commissioners to personally investigate and ascertain whether the provisions of this act are violated by any corporations, companies, or persons engaged in the business of transportation as aforesaid; and for the purpose of making such investigations they shall have all the powers conferred upon them by section five of this act; and whenever the facts in any manner ascertained shall, in their judgment, warrant a prosecution, it shall be the duty of said commissioners to cause suit to be commenced and prosecuted against the offending party or parties, to recover the penalties provided by this act in such cases. And the several district attorneys shall, whenever informed in any way that this act has been violated, institute the necessary proceedings for enforcing the penalties herein provided. Suits brought under this act may be commenced in any district through or into which the line of the corporation, company, or person sued may extend; and service of process may be made upon any agent or officer of such corporation, company, or person within such district.

SEC. 12. That each and every provision of this act shall apply to lines of railroad within the Territories of the United States, and to all lines extending from a place in one of the States to a place within any one of such Territories, and to any and all corporations, companies, or persons engaged in the operation of any such lines, to the same extent and in the same manner, as to such lines, as may extend from a place in one State to a place in another State.

SEC. 13. That the railroad commissioners aforesaid shall, before entering upon the discharge of their duties, severally take and subscribe an oath or affirmation that they will honestly, faithfully, and impartially discharge the duties of said office; which oath shall be filed in the office of the Secretary of the Interior. In case of voluntary collusion on the part of said commissioners or either of them with any railroad company or other party, to delay, defeat, or hinder the proper enforcement of this act, or willful negligence to perform any duties required thereby, proceedings shall be at once commenced by indictment, at the instance of the United States attorney for the proper district, in any circuit court of the United States where the offense may have been committed, for malfeasance in office; and on con-

viction of the same such person or persons so found guilty shall be fined not less than ten thousand nor more than fifty thousand dollars, and shall in addition be sentenced to imprisonment for not less than three nor more than ten years, and be disqualified from holding any office of honor, trust, or profit under the United States; and the court, in its discretion, may direct such person or persons so convicted to be imprisoned until such fine and costs be paid; and a lien is hereby declared in favor of the United States on all the real property of any commissioner so convicted from the day of the date of the return of the indictment into court.

SEC. 14. That in addition to the other duties of said board of railroad commissioners, they shall open and keep, in the Department of the Interior, a bureau of railway statistics, and in this capacity they shall gather, collate, and annually report to Congress statistics and facts relating to commerce among the several States by railroad; to the railroad systems of this and other countries; to the construction and operation of railroads; and to the actual cost of such construction and operation, as well as to the actual cost of transportation of freight and passengers by railroad, and the profits realized by carriers. And they shall also inquire, and from time to time report to Congress, what, if any, further legislation by Congress is necessary for the just and reasonable regulation of such commerce, or for defining the rights and duties of persons engaged as common carriers on lines extending from State to State, for securing the safety and convenience of persons traveling thereby, or for the protection of immigrants traveling upon such lines. And for these purposes they shall have power to require returns to be made to them by all railroad companies, and by all persons and companies engaged in transportation by railroad. They shall also have power, through the Department of State or otherwise, to procure careful and authentic reports upon the railroad systems in use in foreign countries. And in prosecuting their investigations under this section, they shall have all the powers in relation to obtaining evidence and examining witnesses which are conferred by section five of this act. And if any railroad company or person, being required and notified by said board to make return to them of any facts, or to answer any interrogatories concerning any of the matters about which said board is authorized to inquire, shall fail or refuse so to do for ninety days after the time fixed by said board for making such return, they shall forfeit and pay to the United States a penalty of not less than five thousand dollars for each offense, to be sued for and recovered as is hereinbefore provided in relation to other penalties.

SEC. 15. That all unjust discrimination in the matter of charges for carrying freight or passengers over or upon any such line of railroad as is herein described is hereby prohibited; and any corporation, company, or person engaged in operating any such line of railroad who shall be guilty of any such unjust discrimination in making or collecting such charges, in favor of or against any person, firm, or company, or in favor of or against any particular place on the line or at a terminus of such road, shall be subject to the same penalty as that provided in cases of extortion under this act; and such penalty shall be enforced in the same manner as in such cases of extortion; and the party injured by any such unjust discrimination shall have his action for damages in the same manner as in cases of extortion.

March 26—The bill was read a third time, and passed—yeas 121, nays 115:

YEAS—Messrs. Averill, Barrere, Barry, Begole, Bundy, Burchard, Burrows, B. F. Butler, Cain, Cannon, Cason, A. Clark, Clayton, Clements, S. A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Donnan, Dunnell, Elliott, Field, Fort, C. Foster, Freeman, Frye, Garfield, Gunckel, Hagans, E. Hale, Havens, J. B. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, G. F. Hoar, Hodges, *Holman*, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, HYNES, Kasson, *Kendall*, Lamport, Lawrence, B. Lewis, Loughridge, Lowe, *Luttrell*, J. R. Lynch, Martin, McCrary, A. S. McDill, J. W. McDill, MacDougall, McKee, McNulta, Monroe, Nunn, Orr, Orth, Packard, Page, I. C. Parker, Pelham, Phillips, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Richmond, *Robbins*, E. H. Roberts, J. W. Robinson, Ross, Rusk, Sawyer, H. B. Sayler, Scofield, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, Smart, H. B. Smith, J. Q. Smith, W. A. Smith, Snyder, Sprague, Starkweather, Strait, Taylor, Thornburgh, Todd, Tyner, Wallace, Walls, Whiteley, C. G. Williams, Williams of Indiana, W. B. Williams, J. Wilson, J. M. Wilson, *Wolfe*, Woodworth—121.

NAYS—Messrs. *Adams*, Albert, *Archer*, *Arthur*, *Ashe*, *Atkins*, BANNING, Barber, *Barnum*, Bass, *J. B. Beck*, *H. P. Bell*, *Berry*, Biery, *Bland*, *Blount*, *Bowen*, Bradley, *Bright*, BROMBERG, *Buckner*, Buffinton, *J. H. Caldwell*, Cessna, *J. B. Clark*, *Clymer*, *Comingo*, *Cook*, *Cox*, Crooke, *Crossland*, *DeWitt*, *Durham*, Eames, *Eldredge*, *Giddings*, *Glover*, Gooch, *Hamilton*, *Hancock*, Harmer, B. W. Harris, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, J. R. Hawley, *Hereford*, *Herndon*, E. R. Hoar, Hooper, Houghton, *Hunton*, *Jewett*, Kelley, Kellogg, *Knapp*, *Lamar*, Lansing, Lawson, Lowndes, *Magee*, *Marshall*, Merriam, *Milliken*, *Mills*, *Mitchell*, W. S. Moore, L. Myers, *Neal*, Negley, *Nesmith*, *W. E. Niblack*, Niles, *O'Brien*, O'Neill, *H. W. Parker*, Parsons, Pendleton, *E. Perry*, Phelps, Pike, *Potter*, *Randall*, *Read*, *W. R. Roberts*, *J. C. Robinson*, *M. Sayler*, H. J. Scudder, I. W. Scudder, Sener, *Sloss*, A. H. Smith, *Southard*, *Speer*, *Standeford*, *Stone*, *Storm*, W. Townsend, Tremain, *Vance*, Waldron, J. D. Ward, M. L. Ward, Wheeler, *Whitehead*, WHITEHOUSE, *Whithorne*, C. W. Willard, G. Willard, *Willie*, *E. K. Wilson*, *Wood*, *J. D. Young*, *P. M. B. Young*—115.

[No action was taken in the Senate upon it.]

IN SENATE.

June 20—The river and harbor bill being up, Mr. WINDOM offered the following amendment:

For surveys and estimates for the improvements recommended by the Senate Select Committee on Transportation Routes to the Sea-board,

upon the four routes indicated in the report of said committee, and also upon a route from the mouth of the Youghiogheny river, to continue the slack-water navigation up said river to its head waters at the foot of the Alleghany mountains, thence by canal to Cumberland, intersecting there the Chesapeake and Ohio Canal, $200,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War, in such manner as in his judgment will secure the greatest amount of exact information for each of said routes;

Which was agreed to—yeas 39, nays 12:

YEAS—Messrs. Alcorn, Allison, *Bogy*, Boreman, Boutwell, Buckingham, Carpenter, Clayton, Conover, *Davis*, Edmunds, FENTON, Ferry of Michigan, Flanagan, Frelinghuysen, *Goldthwaite*, *Gordon*, *Hayer*, Hamlin, Harvey, *Johnston*, *Kelly*, Mitchell, Morrill of Vermont, *Norwood*, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Sargent, SCHURZ, Scott, Sherman, Spencer, *Stevenson*, Stewart, West, Windom—39.

NAYS—Messrs. *Bayard*, *Cooper*, *Dennis*, *Hamilton* of Maryland, HAMILTON of Texas, *McCreery*, *Merrimon*, Robertson, *Saulsbury*, Sprague, Wadleigh, Washburn—12.

IN HOUSE.

June 22—The House having disagreed, *pro forma*, to all the Senate amendments to the river and harbor bill, it went to a committee of conference, whose report—which recommended concurrence in the WINDOM amendment, given above—was concurred in by both Houses without a division.

Resolutions.

IN HOUSE.

1874, February 9—Mr. J. Q. SMITH moved that the rules be suspended and the following preamble and resolution adopted:

Whereas the Constitution of the United States provides in express terms that Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes; and whereas this provision of the Constitution imposes upon Congress powers and duties of such high moment to the common commercial interests of the people of these States as the citizens of one nation, as to have been a leading cause for the formation of the Union itself: therefore,

Be it resolved by the House of Representatives, That, in the judgment of this House, it is within the constitutional power of Congress by law so to regulate commerce among these States as to protect that portion of our internal commerce which is among the several States from all unjust or oppressive tolls, taxations, obstructions, or other burdens, whether imposed by railroad companies or by combinations thereof, or by other common carriers, when engaged as the instruments of such portion of the commerce of the people; that the present condition and magnitude of the commerce among the States are such as to demand the prompt and wise exercise of the power and duty declared in this resolution.

The rules were then suspended and the preamble and resolution adopted—yeas 172, nays 64:

YEAS—Messrs. Albright, *Atkins*, Averill, BANNING, Barber, Barrere, Begole, Biery, *Bland*, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, B. F. Butler, Cannon, Cason, Cessna, A. Clark, Clayton, Clements, S. A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, C. Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, E. Hale, R. S. Hale, Harmer, B. W. Harris, Harrison, *Hatcher*, Hathorn, Havens, J. B. Hawley, J. R. Hawley, Hays, G. W. Hazelton, Hendee, G. F. Hoar, *Holman*, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, HYNES, Kasson, *Kendall*, Killinger, *Knapp*, Lamport, Lawrence, Lawson, *Leach*, B. Lewis, Loughridge, Lowe, Lowndes, *Luttrell*, J. R. Lynch, Martin, Maynard, McCrary, A. S. McDill, J. W. McDill, MacDougall, McJunkin, *McLean*, McNulta, Mellish, Merriam, Monroe, Morey, Nunn, Orr, Packard, Packer, Page, *H. W. Parker*, I. C. Parker, Parsons, Pendleton, Phillips, Pike, J. H. Platt, T. C. Platt, Poland, Pratt, Ransier, Rapier, Ray, J. B. Rice, Richmond, *Robbins*, E. H. Roberts, J. W. Robinson, Ross, Rusk, Sawyer, H. B. Sayler, Scofield, Sener, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, Small, A. H. Smith, G. L. Smith, H. B. Smith, J. A. Smith, J. Q. Smith, Snyder, Sprague, Stanard, Starkweather, St. John, *Stone*, Stowell, Strait, Strawbridge, Sypher, C. R. Thomas, Thornburgh, Tremain, Tyner, *Vance*, Wallace, Walls, J. D. Ward, M. L. Ward, Wheeler, White, Whiteley, Wilber, G. Willard, C. G. Williams, J. M. S. Williams, Williams of Indiana, W. B. Williams, J. Wilson, J. M. Wilson, *Wolfe*, Woodford, Woodworth—172.

NAYS—Messrs. *Adams*, Albert, *Arthur*, *Ashe*, *Barnum*, *J. B. Beck*, *H. P. Bell*, *Blount*, *Bowen*, BROMBERG, *Brown*, *Buckner*, *J. H. Caldwell*, *J. B. Clark*, *Comingo*, *Cox*, *Crittenden*, *Crossland*, *A. M. Davis*, *De Witt*, *Durham*, *Eden*, *Eldredge*, *Glover*, *Hamilton*, *Hancock*, *H. R. Harris*, *Hereford*, *Herndon*, E. R. Hoar, Hooper, *Hunton*, *Lamar*, Lofland, *Magee*, *Milliken*, *Mills*, *Neal*, *W. E. Niblack*, *O'Brien*, *E. Perry*, Phelps, Pierce, *Randall*, *W. R. Roberts*, *J. C. Robinson*, *J. G. Schumaker*, H. J. Scudder, *Sloss*, Smart, W. A. Smith, *Southard*, *Standeford*, Todd, *Waddell*, *Wells*, *Whitehead*, WHITEHOUSE, *Whitthorne*, C. W. Willard, *Willie*, *E. K. Wilson*, *J. D. Young*, *P. M. B Young*—64.

1874, April 20—Mr. P. M. B. YOUNG moved to suspend the rules and adopt the following resolution:

Whereas the great need of this country is some well-devised and sure system of cheap transportation by water, which will give not only outlets from the interior of the country to the sea, but the means of a free interchange of products between the States, a system which is needed by the whole country, and has been demanded by the people of all sections: therefore,

Be it resolved, That the Committee on Railways and Canals be instructed to prepare and report a bill for the opening up and improvement of the great natural water highways of the country and their connection by such artificial channels as will give to our people the cheap transportation which they demand; and that the

14th day of May be set apart for the consideration of this subject, to the exclusion of all other business and orders, and each day thereafter until it be disposed of.

Mr. YOUNG subsequently modified the resolution so as to except from such exclusion all previous orders, appropriation bills, and reports from the Committees of Ways and Means and on Elections.

The House refused to suspend the rules (two-thirds not voting in the affirmative)—yeas 130, nays 74:

YEAS—Messrs. *Adams*, *Archer*, *Arthur*, Averill, Barrere, Begole, *H. P. Bell*, *Berry*, *Bland*, *Blount*, *Bowen*, Bradley, BROMBERG, *Brown*, Burrows, R. R. Butler, *J. H. Caldwell*, Cannon, Cason, *J. B. Clark*, Clements, *Clymer*, S. A. Cobb, *Comingo*, Conger, *Cook*, Cotton, *Creamer*, *Crittenden*, *Crossland*, Crounse, Crutchfield, Donnan, Dunnell, *Durham*, *Eldredge*, Farwell, Field, Fort, Freeman, *Giddings*, *Glover*, Hagans, *Hancock*, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, Havens, J. B. Hawley, Hays, Hendee, *Hereford*, *Herndon*, Howe, *Hunton*, Hyde, HYNES, *Knapp*, *Lamison*, Lamport, *Leach*, B. Lewis, Loughridge, Lowndes, *Luttrell*, Martin, Maynard, J. W. McDill, MacDougall, McJunkin, McKee, *McLean*, McNulty, *Milliken*, *Mills*, W. S. Moore, Morey, L. Myers, *Neal*, Negley, *W. E. Niblack*, Orth, Packard, Page, I. C. Parker, *E. Perry*, Phillips, Pratt, Purman, Ransier, Ray, *Read*, *Robbins*, H. B. Sayler, *M. Sayler*, Sener, Sheats, *Sloss*, G. L. Smith, J. A. Smith, *Southard*, Stanard, *Standeford*, *Stone*, *Storm*, Strait, Sypher, C. Y. Thomas, Thornburgh, Tyner, *Vance*, Walls, J. D. Ward, *Wells*, White, *Whitehead*, Whiteley, G. Willard, C. G Williams, J. M. S. Williams, Williams of Indiana, W. B. Williams, *Willie*, J. Wilson, *Wolfe*, *Wood*, Woodford, *J. D. Young*, *P. M. B. Young*—130.

NAYS—Messrs. Albert, Albright, Barber, Biery, Buffinton, Burchard, Burleigh, Cain, Clayton, *Cox*, Crooke, Curtis, Danford, Darrall, *De Witt*, Duell, Eames, Elliott, Frye, Garfield, Gooch, Gunckel, E. Hale, R. S. Hale, Harmer, B. W. Harris, Hathorn, J. R. Hawley, G. W. Hazelton, J. W. Hazelton, E. R. Hoar, G. F. Hoar, *Holman*, Houghton, Hunter, Kasson, Kellogg, Killinger, Lansing, Lawrence, Lawson, J. R. Lynch, McCrary, A. S. McDill, Merriam, Monroe, *O'Brien*, Orr, Packer, *H. W. Parker*, Phelps, Pierce, Poland, Rainey, Rapier, J. B. Rice, E. H. Roberts, J. W. Robinson, Rusk, Sawyer, Sessions, L. D. Shoemaker, Smart, A. H. Smith, H. B. Smith, J. Q. Smith, Sprague, Starkweather, Tremain, Waldron, M. L. Ward, Wheeler, *Whitthorne*, C. W. Willard—74.

Conclusions of the Select Committee of the Senate.

In their voluminous report to the Senate the Select Committee on Transportation Routes to the Sea-board—after giving much valuable and interesting statistical and other matter dealing largely with the questions of production, home consumption and foreign exportation, freights and prices, the course of trade, foreign markets, actual competition between water and rail transport, defects and abuses of existing systems of transportation, and the constitutional power of Congress to regulate commerce among the several States—proceed to show that there are four methods by which, in their opinion, the transportation problem may be solved, to wit:

1. By competition between railways, and its promotion by the construction of additional lines.
2. By direct congressional regulation.
3. By indirect regulation and reduction of charges, through the agency of one or more railway lines to be owned or controlled by the General Government.
4. By the improvement of natural and the construction of artificial waterways.

Of these four methods, the last named alone appears to have met with the unanimous approbation of the Senate Select Committee. Following is their

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS.

Firstly. One of the most important problems demanding solution at the hands of the American statesman, is by what means shall cheap and ample facilities be provided for the interchange of commodities between the different sections of our widely extended country.

Secondly. In the selection of means for the accomplishment of this object, Congress may, in its discretion and under its responsibility to the people, prescribe the rules and regulations by which the instruments, vehicles, and agencies employed in transporting persons or commodities from one State into or through another shall be governed, whether such transportation be by land or by water.

Thirdly. The power "to regulate commerce" includes the power to *aid* and *facilitate* it by the employment of such as may be appropriate and plainly adapted to that end; and hence Congress may, in its discretion, improve, or create, channels of commerce on land, or by water.

Fourthly. A remedy for some of the defects and abuses which prevail under existing systems of transportation may be provided by direct congressional regulation, but for reasons, stated at length in this report, it is seriously doubted if facilities, sufficiently *cheap* and *ample* to meet the just and reasonable requirements of commerce, can ever be obtained by this method.

Fifthly. Whatever may be the limit of the power of Congress over interstate commerce, it is believed that the attempt to regulate the business of transportation by general congressional enactments establishing rates and fares on 1,300 railways, aggregating nearly one-half the railway mileage of the world, and embracing an almost infinite variety of circumstances and conditions, requires more definite and detailed information than is now in the possession of Congress or of your committee. Believing that any ill-advised measures, in this direction, would tend to postpone indefinitely the attainment of the desired object—*cheap* transportation—the committee deem it expedient to confine their recommendations, in this regard, to such measures only as may be enacted with entire safety, reserving other matters of legislation for further inquiry and consideration. They therefore recommend for present action the following:

1. That all railway companies, freight lines, and other persons, or organizations of common carriers, engaged in transporting passengers or freights from one State into or through another, be required, under proper penalties, to make publication at every point of shipment from one State to another, of their rates and fares, embracing all the particulars regarding distance, classifications, rates, special tariffs, drawbacks, &c., and that they be prohibited from increasing such rates above the limit named in the publication, without reasonable notice to the public, to be prescribed by law.

2. That combinations and consolidations with parallel or competing lines are evils of such magnitude as to demand prompt and vigorous measures for their prevention.

3. That all railway companies, freight lines, and other organizations of common carriers, employed in transporting grain from one State into or through another, should be required, under proper regulations and penalties, to be provided by law, to receipt for quantity and to deliver the same at its destination.

4. That all railway companies and freight organizations, receiving freights in one State to be delivered in another, and whose lines touch at any river or lake port, be prohibited from charging more to or from such port than for any greater distance on the same line.*

5. Stock-inflations, generally known as "stock-waterings," are wholly indefensible; but the remedy for this evil seems to fall peculiarly within the province of the States who have created the corporations from which such practices proceed. The evil is believed to be of such magnitude as to require prompt and efficient State action for its prevention, and to justify any measures that may be proper and within the range of national authority.

6. It is believed by the committee that great good would result from the passage of State laws prohibiting officers of railway companies from owning or holding, directly or indirectly, any interest in any "non-co-operative freight line" or car company, operated upon the railroad with which they are connected in such official capacity.

7. For the purpose of procuring and laying before Congress and the country such complete and reliable information concerning the business of transportation and the wants of commerce, as will enable Congress to legislate intelligently upon the subject, it is recommended that a Bureau of Commerce, in one of the Executive Departments of the Government, be charged with the duty of collecting and reporting to Congress information concerning our internal trade and commerce; and be clothed with authority of law, under regulations to be prescribed by the head of such Department, to require each and every railway and other transportation company engaged in inter-State transportation to make a report, under oath of the proper officer of such company, at least once each year, which report should embrace, among other facts, the following, namely: 1st. The rates and fares charged from all points of shipment on its line in one State to all points of destination in another State, including classifications and distances, and all drawbacks, deductions, and discriminations; 2d. A full and detailed statement of receipts and expenditures, including the compensation paid to officers, agents, and employees of the company; 3d. The amount of stock and bonds issued, the price at which they were sold, and the disposition made of the funds received from such sale; 4th. The amount and value of commodities transported during the year, as nearly as the same can be ascertained, together with such other facts as may be required by the head of such bureau, under the authority of law.

Sixth. Though the existence of the Federal power to regulate commerce to the extent maintained in this report is believed to be essential to the maintenance of perfect equality among the States as to commercial rights; to the prevention of unjust and invidious distinctions which local jealousies or interests might be disposed to introduce; to the proper restraints of consolidated corporate power, and to the correction of many of its existing evils, yet your committee are unanimously of the opinion that the problem of cheap transportation is to be solved through competition, as hereinafter stated, rather than by direct congressional regulation of existing lines.

Seventh. Competition, which is to secure and maintain cheap transportation, must embrace two essential conditions: 1st. It must be controlled by a power with which combination will be impossible; 2d. It must operate through cheaper and more ample channels of commerce than are now provided.

Eighth. Railway competition, when regulated by its own laws, will not effect the object; because it exists only to a very limited extent in certain localities; it is always unreliable and inefficient; and it invariably ends in combination. Hence, additional railway lines, under the control of private corporations, will afford no substantial relief, because self-interest will inevitably lead them into combination with existing lines.

Ninth. The only means of securing and maintaining reliable and effective competition between railways is through national or State ownership, or control, of one or more lines, which, being unable to enter into combinations, will serve as regulators of other lines.

Tenth. One or more double-track freight railways, honestly and thoroughly constructed, owned or controlled by the Government, and operated at a low rate of speed, would doubtless be able to carry at much less cost than can be done under the present system of operating fast and slow trains on the same road; and, being incapable of entering into combinations, would no doubt serve as a very valuable regulator of all existing railroads within the range of their influence.

Eleventh. The uniform testimony deduced from practical results in this country, and throughout

* This provision, it is believed, will prevent the discriminations now practiced against such ports, and will enable States which are separated from water-lines by intervening States to reach such lines at reasonable cost. Congress has no power to regulate commerce wholly within a State, and hence States bordering upon such water-lines will regulate the rates to ports within their own territory.

the commercial world is, that water-routes, when properly located, not only afford the cheapest and best-known means of transport for all heavy, bulky, and cheap commodities, but that they are also the natural competitors, and most effective regulators of railway transportation.

Twelfth. The above facts and conclusions, together with the remarkable physical adaptation of our country for cheap and ample water communications, point unerringly to the improvement of our great natural water-ways, and their connection by canals, or by short freight railway portages under control of the Government, as the obvious and certain solution of the problem of cheap transportation.

Thirteenth. After a most careful consideration of the merits of various proposed improvements, taking into account the cost, practicability, and probable advantages of each, the committee have come to the unanimous conclusion that the following are the most feasible and advantageous channels of commerce to be created or improved by the National Government in case Congress shall act upon this subject, viz:

1st. The Mississippi river.

2d. A continuous water-line of adequate capacity from the Mississippi river to the city of New York, via the northern lakes.

3d. A route adequate to the wants of commerce, through the central tier of States, from the Mississippi river, via the Ohio and Kanawha rivers, to a point in West Virginia, and thence by canal and slack-water, or by a freight railway, to tide-water, in Virginia.

4th. A route from the Mississippi river, via the Ohio and Tennessee rivers, to a point in Alabama or Tennessee, and thence by canal and slack-water, or by a freight railway, to the ocean.

In the discussion of these four existing and proposed channels of commerce, we shall, for the sake of brevity, designate them respectively the "Mississippi route," "Northern route," "Central route," and "Southern route."

THE MISSISSIPPI ROUTE.

The improvements necessary on the Mississippi route are, 1. The opening of the mouth of the river, so as to permit the free passage of vessels drawing 28 feet—estimated cost, $10,000,000. 2. The construction of reservoirs at the sources of the river—(if, upon a careful survey, they shall be deemed practicable)—estimated cost, $114,000. 3. Improvements, upon a system to be provided by the War Department, at all intermediate points, so as to give from 3 to 5 feet navigation above the Falls of Saint Anthony; from 4½ to 6 feet from that point to Saint Louis; and from 8 to 10 feet from Saint Louis to New Orleans, at the lowest stages of water—estimated cost, $5,000,000.

The total cost of the Mississippi improvements, may, we think, be safely estimated at $16,000,000.

THE NORTHERN ROUTE.

The improvements suggested on this route are,

1st. The Fox and Wisconsin rivers improvement, by which 5 feet of navigation will be secured, during the entire season, from the Mississippi river to Green Bay, thereby affording the shortest and cheapest connection between the centers of wheat production and the eastern markets, and a continuous water channel from all points on the Mississippi river and its tributaries to the Atlantic Ocean. Estimated cost, $3,000,000.

2d. The construction of the Hennepin Canal (65 miles long) from a point on the Mississippi river, near Rock Island, to the Illinois river at Hennepin, thereby affording the shortest and cheapest route from the largest areas of greatest corn production to the east, and a connection by water between the river system of the West, the northern lakes, and the Atlantic Ocean. Estimated cost, $4,000,000.

3d. The enlargement and improvement, with the concurrence of the State of New York, of one or more of the three water routes from the lakes to New York city, namely: the Erie Canal from Buffalo to Albany; the Oneida Lake Canal from Oswego to Albany; or the Champlain Canal from Lake Champlain to deep water on the Hudson river, including such connection as may be effected between Lake Champlain and the Saint Lawrence river with the co-operation of the British Provinces. Estimated cost, $12,000,000.

Total cost of Northern route from the Mississippi river to New York city, $19,000,000.

The enlargement of the Welland Canal, now in progress, with the construction of the Caughnawaga Canal, and the proposed enlargement of the Champlain Canal, will enable vessels of a 1,000 tons to pass from western lake ports to ports in Vermont and to New York city. The Erie Canal, enlarged as proposed, will pass vessels of about 700 tons.

THE CENTRAL ROUTE.

The plan of improvement for this route contemplates,

1. The radical improvement of the Ohio river from Cairo to Pittsburg, so as to give 6 to 7 feet of navigation at low water. Estimated cost, $22,000,000.

2d. The improvement of the Kanawha river from its mouth to Great Falls, so as to give 6 feet of navigation at all seasons. Estimated cost, including reservoirs, $3,000,000.

3d. A connection by canal or by a freight railway from the Ohio river or Kanawha river, near Charleston, by the shortest and most practicable route, through West Virginia, to tide-water in Virginia; the question as between the canal and freight railway to be decided after the completion of careful surveys and estimates. If by canal and slack-water, the estimated cost is $55,000,000; if by a freight railway, the cost would probably not exceed $25,000,000.

The total expenditure necessary for the improvement of the Ohio and Kanawha rivers is estimated at $25,000,000. The amount necessary to complete the connection with tide-water depends upon the nature of the improvement, as above stated.

THE SOUTHERN ROUTE.

The plan suggested by the committee for the southern route contemplates; 1. The improve- of the Tennessee river from its mouth to Knoxville, so as to give 3 feet of navigation at lowest

stages of water. Estimated cost, $5,000,000. 2. A communication by canal or freight railway, from some convenient point on the Tennessee river in Alabama or Tennessee, by the shortest and most practicable route to the Atlantic ocean. The railway, if constructed, will be about 430 miles long; the question as between the canal and railway to be decided after a careful survey and estimate of both shall have been completed If by canal, the cost will be about $35,000,000. If by railway, probably about $30,000,000. Large portions of all of the above routes have been surveyed, and careful estimates prepared by the War Department. It is recommended that appropriations be made at the present session of Congress, for completing the surveys of the entire system of improvements proposed, in order to determine accurately the cost of each route, and to enable the Government to enter at once upon the work, if the same shall be deemed practicable and expedient, after such surveys shall have been completed.

In presenting this general plan of improvements, the committee wish to be distinctly understood that the ordinary annual appropriations for other important works in aid of commerce should not be omitted.

The cost of the entire improvement, will depend upon the decision to be hereafter made between the canals and the frieght railway portages, on the central and southern routes. If the canals be constructed, the total cost will be about $155,000,000. If the railways be chosen, the total cost will be about $120,000,000.

An actual expenditure of $20,000,000 to $25,000,000 per annum will be required for five years, (in addition to the loan of Government credit as above stated,) when the whole work can be completed. The resulting benefits will, for all time, annually repay more than double the entire cost.

In view of the fact that private companies invariably combine with each other against the public, it is recommended that no aid be given to any route to be owned or controlled by private corporations, but that the four great channels of commerce suggested, shall be improved, created, and owned by the Government, and stand as permanent and effective competitors with each other, and with all the railways which may be within the range of their influence.

The committee believe that the water routes suggested should constitute free highways of commerce, subject only to such tolls as may be necessary for maintenance and repairs. If, however, Congress shall deem it expedient to require them to provide interest on the cost of construction, and the means for ultimate redemption of the principal, the whole improvements will involve only a loan of Government credit.

NATIONAL CHARACTER OF THE PROPOSED IMPROVEMENTS.

By reference to the map of the United States it will be seen that the completion of the system of improvements proposed will provide four great competing commercial lines from the center of the coutinent to the Atlantic seaboard and the Gulf of Mexico. It will also be observed, by reference to the crop maps republished with this report, that these routes lead directly from, or through, the greatest areas of production, to those sections which constitute the greatest areas of consumption; thus dividing their benefits equitably between producers and consumers, and contributing to the development and prosperity of the whole country. The Great Architect of the continent seems to have located its rivers and lakes with express reference to the commercial necessities of the industrious millions who now and shall hereafter occupy it. The plan of improvements suggested by the committee merely follows the lines so clearly indicated by His hand.

The proposed improvements are so located as to distribute their benefits with great equality among all the States east of the Rocky Mountains. Twenty-one of those States are situated directly on one or more of said routes; two States, Kansas and Nebraska, are so situated as to enjoy the full benefits of reduced cost of transportation from the Mississippi river by all the proposed lines. Eleven States, viz: Maine New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, New Jersey, North Carolina, Florida and Texas, nearly all of which consume largely the food of the West, and most of which are to a great extent dependent upon the West for a market for their manufactures and other products, are directly connected by the waters of the ocean with their several termini. The proposed improvements will, therefore, connect by the cheapest known means of transport every one of the thirty-four States, east of the Rocky Mountains, with all the others, and but one State in the Union will be without water-connection with the whole world. The accomplishment of so great a result, by an expenditure of money comparatively so small, illustrates the wonderful provisions of nature for cheap commercial facilities on this continent.

These four great channels of commerce under public control, and hence unable to combine with each other, or with existing lines of transport, will, by the power of competition, hold in check all the railways radiating from the interior to the seaboard, and, by affording cheap and ample means of communication, will solve the problem of cheap transportation. If local railways discriminate against them, it will be in the power of the States whose boundaries they touch to prescribe regulations for the correction of such discriminations. A law of Congress prohibiting discriminations agaist river or lake ports, will enable the other States, not directly upon any of said lines, to reach them at reasonable rates. The committee submit that no scheme of public improvement could be more eminently national in its character, nor diffuse its benefits more generally and equitably than the one proposed; and they believe that the entire system of improvements indicated should be considered and acted upon as a whole.

Let us now consider more specifically the benefits and advantages to be anticipated from each route and from the entire system, when completed.

1.—BENEFITS ANTICIPATED FROM THE NORTHERN ROUTE.

From all points on the Mississippi river be-

tween Minneapolis, Minn., and Quincy, Ill., the average railway rate to lake ports in 1872 was 17 cents per bushel of 60 pounds. From Chicago to New York, by rail, the average charge during that year was 33½ cents per bushel, and the average rate by water was $26\frac{6}{10}$ cents per bushel, making the all-rail charges through from the Mississippi to New York 50½ cents, and the rail and water charges, exclusive of terminals, $43\frac{6}{10}$ cents per bushel. In the section of this report devoted to the Fox and Wisconsin river improvements, and the Hennepin canal, we have shown that an average saving can be effected through their agency of at least 10 cents per bushel on all the cereals transported from points west of the Mississippi river and north of the southern line of Iowa. It is believed by those who have studied the subject, that the enlargement of the New York canals so as to pass boats of 600 to 1,000 tons, will reduce the cost of transportation on that part of the line 50 per cent. The establishment of reciprocal trade relations with the Dominion of Canada, which shall induce the construction of the Caughnawaga canal, (if such an arrangement can be made,) and which will encourage Canadian shipmasters to compete for the carrying trade on the lakes, will also materially cheapen the cost of transport to New England. The evidence taken by your committee fully justifies the opinion that by the enlargement of the New York canals, the construction of the Caughnawaga canal, and the use of the enlarged Canadian canals, the cost of transport from Chicago to Burlington, Vt., and to New York city, will not exceed from 12 to 15 cents per bushel, making the entire cost from the Mississippi river to Burlington, Vt., or to New York, not more than 22 cents per bushel, against the present cost of $43\frac{6}{10}$ cents by water, and 50½ cents by rail. We may therefore reasonably estimate that by the proposed improvements upon this route a saving can be effected of 20 cents per bushel, or $6 70 per ton, on all the east tonnage moved between that river and the east.

BENEFITS ANTICIPATED FROM THE CENTRAL ROUTE.

Assuming a charge of 4 mills per ton per mile on the Mississippi river, and on the improved Ohio and Kanawha rivers,* a charge of 8 mills per ton per mile on the James river and Kanawha canal, and 6 mills per ton per mile on the slack-water improvement, the following statement will represent the cost of transport from Cairo, Ill., to Richmond, Va., by the central water line:

Cairo to Great Falls of the Kanawha, 790 miles, 4 mills per ton per mile.....	$3 16
From Great Falls to Richmond the distance (equating each lock at one half mile of canal) is 509 miles, of which 348 is canal (equated) and 161 is slack-water. 348 miles canal, at 8 mills per ton per mile,	2 78
161 miles of slack-water, at 6 mills per ton per mile.....	96
Total per ton for entire distance.....	†$6 90

Equal to 20.4 cents per bushel of 60 pounds.

If the freight railway from the Kanawha to tide-water be adopted, instead of the canal and slack-water improvement, the cost of transport from the Ohio river to the ocean will, it is believed, be substantially the same as above stated.

The central route would be closed by ice only about thirty days each year, and hence it would be an active competitor with all the railways from the Mississippi river to the Atlantic, at times when competition is now suspended by reason of frost on the northern water route. The effect of such a regulator of railway charges would be to greatly reduce the present winter rates, and, by the constant competition it would maintain, to compel uniformly low charges on all rail and water lines from the interior to the eastern and southern seaboard. Its advantages would be greatest, however, to the central tier of States. Four of the largest interior cities of the continent—St Louis, Cincinnati, Louisville, and Pittsburg—are situated directly upon it. The trade of these cities, together with the other towns and cities on the Ohio river, is now far in excess of our entire foreign commerce. A vast area of the richest agricultural and mineral country in the world is directly tributary to it, and only awaits reasonable facilities for transportation to develop a commerce the magnitude of which it is difficult now to conceive.

BENEFITS ANTICIPATED FROM THE SOUTHERN ROUTE.

Assuming the same rate of charges as in the estimate just made for the central route, viz, 4 mills per ton per mile on open river, 6 mills per mile on slack-water navigation, and 8 mills per ton per mile by canal, the following will represent the cost of transport by this route from Cairo to the Ocean:

Open river, 980 miles, 4 mills per ton...	$3 92
Slack-water, 70 miles, 6 mills per ton...	42
Canal, 325 miles, 8 mills per ton.....	2 60
Total per ton for entire distance.....	*$6 94

Equal to 20.8 cents per bushel of 60 pounds.

It is believed that a freight railway from the vicinity of Guntersville, Alabama, or Chattanooga, Tennessee, would enable this route to accomplish very nearly the same results. This route will never be obstructed by ice, and hence will afford unfailing competition throughout the year. Its greatest advantages, however, will be found not so much in furnishing a highway of commerce to the sea-board as in opening up a valuable connection between the grain-growing States of the West and the cotton plantations of the South, whereby each section will have the full benefit of those crops for which its soil and climate are best adapted. It will connect with

*The evidence taken by the committee, and already stated in this report, shows that average charge by the Ohio and Mississippi rivers is now only from 3½ to 4½ mills per ton per mile, and in many cases only 2 mills.

†It is due to this route to say that the above estimates of cost are fully 50 per cent. higher than those relied upon by its advocates. The committee have adopted them from superabundant caution, preferring to understate the benefits to be anticipated from all the routes, rather than to exaggerate them. The successful application of steam as a motor on canals will doubtless reduce the cost of transport by this line very much below the figures named.

*The same remark should be made with reference to this route just made with regard to the "central," viz, that the estimates of the committee are much higher than those of its special advocates.

various Southern rivers, penetrating a very large portion of the cotton districts of the South. It is believed that eventually inland navigation will be obtained at small expense along the coast of South Carolina, Georgia, and Florida, connecting with the rivers in those States which flow into the ocean. By this route the center of the cotton-producing region can be reached from the center of the corn area at a cost not exceeding 15 to 18 cents per bushel; and hence, in addition to the creation of a new competing avenue to the sea, the home market for food that will be developed, and the increased production of cotton that will be induced will much more than compensate for the entire cost.

BENEFITS ANTICIPATED FROM THE MISSISSIPPI ROUTE.

The evidence submitted with this report justifies the conclusion that, upon the completion of the entire improvement of the Mississippi river, wheat and corn can be transported from Minnesota, Iowa, Wisconsin, Illinois, Indiana, Missouri, and other States above Cairo to New Orleans for an average of 12 cents per bushel, and that the cost from St. Paul will not exceed 17 cents. The average rate from New Orleans to Liverpool in 1872 was about 27 cents, (currency,) which can be reduced, as hereinbefore shown, to 18 or 20 cents, by the improvement at the mouth of the river. Estimating the cost from St. Paul to New Orleans at 17 cents, the two transfers at St. Louis and New Orleans at 1 cent each, and the charge from New Orleans to Liverpool at 20 cents, the total from St. Paul to Liverpool will be 39 cents per bushel. The charge in 1872 from St. Paul to Liverpool, including transfers and terminals at Chicago, Buffalo, and New York, by the cheapest route, averaged 67.5 cents per bushel. The saving to be effected by the improvements of this route may therefore be estimated at 28 cents per bushel from St. Paul to Liverpool, with a proportionate reduction from all other points on the river.

In view of the benefits and advantages to be derived from each of the four proposed routes, and from their combined influence when in constant competition with each other and with the railroad system of the country, it is, in the judgment of your committee, entirely safe to say that the completion of the system of improvements suggested will effect a permanent reduction of 50 per cent. in the cost of transporting fourth class freights from the valley of the Mississippi to the sea-board, and that the cost of carrying a bushel of wheat or corn to the markets of the East and of the world will be reduced at least 20 to 25 cents per bushel below the present railway charges, and that a similar reduction will be effected on return freights.

The actual movement of grain to the eastern and southern markets in 1872, as shown by the carefully prepared statistics submitted with this report, amounted to about 213,000,000 bushels. An average saving of 20 cents per bushel on the surplus moved that year would have amounted to over $42,000,000, or more than two-thirds of the entire expenditure necessary to complete the proposed routes, in addition to the loan of Government credit, as before stated. But for the fact that large quantities of corn were unable to find a market on account of the high transportation charges, the amount moved would have been very much greater. Hence, in addition to the saving in transportation above named, a benefit perhaps equally great would have been conferred upon the producer, in affording him a market for his surplus products.

To this must be added the enhanced value which such reduction would give to the improved lands of the West, amounting, in the eight northwestern States of Indiana, Illinois, Iowa, Minnesota, Wisconsin, Missouri, Kansas, and Nebraska, in 1870, to 55,841,000 acres. Estimating the productive capacity of these lands at an average of only twenty bushels per acre, (the average of corn, oats, &c., being in fact very much greater,) an addition of only 10 cents per bushel (one-half the estimated saving) to the value of the cereals those States are capable of producing, would give a net profit of $2 per acre, which is the equivalent of 10 per cent. interest on a capital of $20, and hence equal to an increase in the value of lands to that extent. Twenty dollars per acre, added to the value of improved lands in those States, would exceed an aggregate of $1,100,000,000. This calculation assumes that one-half of the reduction will inure to the benefit of the consumer and the other half to the producer.

Add to all this the increased value of farms in other States, the increased value of unimproved lands, the enhanced value of cotton plantations, the benefits to accrue from reduced cost of movement of the products of the mine, the foundry, the factory, the workshop, and of the thousands of other commodities demanding cheaper transportation, and some conception may be formed of the vast additions to be made to our national wealth and prosperity by the system of improvements under consideration. In comparison with the great benefits reasonably to be anticipated, their cost is utterly insignificant.

The probable effect of such reduction in the cost of internal transportation upon our exports and foreign balances of trade is also worthy of the most careful consideration. America and Russia are the great food-producing nations of the world. Great Britain is the principal market. For many years America and Russia have been active competitors for the supply of that market. Until recently, the farmers of the west have had the advantage of the wheat producers on the Don and the Volga; but, a few years ago, Russia inaugurated a system of internal improvements by which the cost of transporting her products from the interior to the sea-board is greatly reduced. The result is shown by the importations of wheat into the United Kingdom during two periods of five years each.

Imports of wheat from Russia and America into the United Kingdom from 1860 *to* 18 4 *compared with the imports from* 1868 *to* 1872.

	Bushels.
1860 to 1864, inclusive—	
From Russia	47,376,800
From United States	127,047,126
1868 to 1872, inclusive—	
From Russia	117,967,022
From United States	116,462,380

An *increase* during the latter period as compared with the former of 70,590,213 bushels

from Russia, and a *decrease* of 10,584,746 from the United States.

The cheaper mode of handling grain by elevators has not yet been adopted by Russia, but doubtless will be very soon. When this shall be done, and her wise system of internal improvements, which have already turned the wavering balances in her favor, shall be completed, she will be able to drive us from the markets of the world, unless wiser counsels shall guide our statesmanship than have hitherto prevailed. In fact, as the increased size of ocean vessels is constantly decreasing the cost of ocean transport, and our wheat fields are yearly receding farther westward from the lakes, it is not impossible that when she shall have driven us from the markets of Europe, she will become our active competitor in Boston and Portland, if cheaper means of internal transport be not provided.

A condition of things equally unsatisfactory exists with regard to our chief article of export, cotton. High transportation charges from the grain fields of the northwest to the cotton fields of the south have compelled the planter to devote his cotton lands to the production of wheat and corn, for which they are by nature unsuited, thereby reducing the product of cotton and diminishing the market for grain. The effect upon our cotton exportations is shown by the following statement:

Receipts of cotton in Great Britain in 1860 *compared with* 1872.

	Pounds.
1860—	
From United States	1,115,890,608
From all other countries	275,048,144
1872—	
From United States	625,600,080
From all other countries	783,237,392

Our cotton exports have fallen off nearly 50 per cent., while other countries have gained nearly 300 per cent. This is doubtless largely due to the war, which stimulated the production of cotton in India: but it is also attributable to a great extent to the causes above mentioned, and to the system of internal improvements inaugurated by Great Britain in India, for the express purpose of rendering herself independent of us for the supply of cotton. Every cent unnecessarily added to the cost of transportation is to that extent a protection to the cotton planters of India and the food producers of Russia, against the farmers of the west and the cotton planters of the south.

The cry of despair which comes from the overburdened west, the demand for cheaper food heard from the laboring classes of the east and from the plantations of the south, and the rapid falling off of our principal articles of export, all indicate the imperative necessity for cheaper means of internal communication. If we would assure our imperiled position in the markets of the world, reinstate our credit abroad, restore confidence and prosperity at home, and provide for a return to specie payment, let us develop our unequaled resources and stimulate our industries by a judicious system of internal improvements.

A reference to the expenditures of our Government* since the adoption of the Constitution will show that in some matters we have been sufficiently liberal, but in appropriations for the benefit of commerce and for the development of our vast resources, most parsimonious. For public buildings, including those in the District of Columbia, and custom-houses, post offices, and court-houses in other parts of the country, we have expended over $62,000,000; while for the improvement of the 20,000 miles of western rivers, through which should flow the life-currents of the nation, we have appropriated only $11,438,300. For the improvement of these great avenues of trade, which were designed by nature to afford the cheapest and most ample commercial facilities for the teeming millions who inhabit the richest country on the earth, we have expended an average of $133,100 per annum; while for public buildings we have appropriated an average of over $750,000 a year. Is it not high time that all expenditures not absolutely necessary be suspended, and that the imperative necessities of the country receive attention?

England, in order to encourage and stimulate the culture of cotton in India for the supply of her factories at home, guaranteed interest on an expenditure for internal improvements in that distant country amounting to over $400,000,000. The most advanced nations of ancient and modern times have regarded their highways of commerce of the first importance, and, in exact proportion to the excellence of those highways, have been the development of national resources and power, and the augmentation of national wealth.

It may be said that in the present financial condition of the country, and with our heavy burden of indebtedness, we cannot afford to enter upon the system of improvements indicated. It is true our debt is large, and our industrial enterprises are temporarily deranged, but our resources are immeasureable, and need only a liberal and wise statesmanship to insure their full development.

As we have already stated, the public debt of a nation is great or small according to the proportion it bears to the public wealth and to the commercial prosperity of the people who have it to pay. A debt that would have crushed the United States in 1800 would scarcely be felt today. In the exact proportion that our wealth increases, the burden of our debt diminishes. For instance, in 1840 the entire national wealth was estimated at $3,764,000,000. At the close of the rebellion our national indebtedness had reached $3,300,000,000. Hence to have paid the debt of 1865 in the year 1840 would have required 90 per cent. of all the property in the country. On the 1st of March, 1874, our debt was $2,154,880,066. Our national wealth is estimated at over $30,000,000,000. While, therefore, the debt of 1865 would have consumed almost the entire property, public and private, owned in the United States in 1840, the payment of our present debt would require only about 7 per cent. of our present wealth. It is therefore apparent that the burden of the debt of 1874 is less than one-twelfth as great on our present property as the debt of 1865 would have been in 1840. If by the development of our resources we can maintain the same ratio of increase during the next twenty-five years that

*See statement showing the expenditures for various purposes from the adoption of the Constitution to June 30, 1873.

we have since 1850, the debt of the nation (if no further payments be made) will amount to only about 1 per cent. on the national wealth in 1900. In other words, with the full development of our resources, which it is in the power of wise statesmanship to induce, the entire debt can be paid in the year 1900 by the assessment of a tax but little greater than is now required to meet the current expenditures of the Government. If it be true, then, that the burden of a nation's debt diminishes in exactly the same ratio as its wealth increases, is it not the dictate of wisdom and sound policy to pay only so much of our debt as may be necessary to keep our faith and maintain our credit, and to devote whatever surplus revenues may remain to such improvements as are required for the full development of our unequaled resources?

I concur in the main in the foregoing report, prepared by the chairman; it contains, however, certain statements and assertions of law and of fact, and recommendations relative to the power of Congress and its exercise, from which I dissent.

ROSCOE CONKLING.

The undersigned, members of the committee, do not agree that Congress can exercise the power "to regulate commerce among the several States," to the extent asserted in this report.

T. M. NORWOOD.
H. G. DAVIS.
JOHN W. JOHNSTON.

XV.

STATE ACTION ON RAILROADS.

Illinois Railroad Act of 1873.

AN ACT to prevent extortion and unjust discrimination in the rates charged for the transportation of passengers and freights on railroads in this State, and to punish the same, and prescribe a mode of procedure and rules of evidence in relation thereto, and to repeal an act entitled "An act to prevent unjust discrimination and extortions in the rates to be charged by the different railroads in this State for the transportation of freights on said roads," approved April 7, A. D. 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, If any railroad corporation, organized or doing business in this State under any act of incorporation, or general law of this State now in force, or which may hereafter be enacted, or any railroad corporation organized or which may hereafter be organized under the laws of any other State, and doing business in this State, shall charge, collect, demand, or receive more than a fair and reasonable rate of toll or compensation for the transportation of passengers or freight of any description, or for the use and transportation of any railroad car upon its track, or any of the branches thereof, or upon any railroad within this State which it has the right, license, or permission to use, operate, or control, the same shall be deemed guilty of extortion, and upon conviction thereof shall be dealt with as hereinafter provided.

SEC. 2. If any such railroad corporation aforesaid shall make any unjust discrimination in its rates or charges of toll, or compensation, for the transportation of passengers or freight of any description, or for the use and transportation of any railroad car upon its said road, or upon any of the branches thereof, or upon railroads connected therewith, which it has the right, license, or permission to operate, control, or use, within this State, the same shall be deemed guilty of having violated the provisions of this act, and upon conviction thereof shall be dealt with as hereinafter provided.

SEC. 3. If any such railroad corporation shall charge, collect, or receive for the transportation of any passenger, or freight of any description, upon its railroad, for any distance within this State, the same or a greater amount of toll or compensation than is at the same time charged, collected, or received for the transportation, in the same direction, of any passenger, or like quantity of freight of the same class, over a greater distance of the same railroad; or if it shall charge, collect, or receive at any point upon this railroad a higher rate of toll or compensation for receiving, handling, or delivering freight of the same class and quantity than it shall at the same time charge, collect, or receive at any other point upon the same railroad; or if it shall charge, collect, or receive for the transportation of any passenger, or freight of any description, over its railroad a greater amount as toll or compensation than shall at the same time be charged, collected, or received by it for the transportation of any passenger or like quantity of freight of the same class, being transported in the same direction over any portion of the same railroad of equal distance; or if it shall charge, collect, or receive from any person or persons a higher or greater amount of toll or compensation than it shall at the same time charge, collect, or receive from any other person or persons for receiving, handling, or delivering freight of the same class and like quantity at the same point upon its railroad; or if it shall charge, collect, or receive from any person or persons for the transportation of any freight upon its railaoad a higher or greater rate of toll or compensation than it shall at the same time charge, collect, or receive from any other person or persons for the transportation of the like quantity of freight of the same class being transported from the same point in

the same direction over equal distances of the same railroad; or if it shall charge, collect, or receive from any person or persons for the use and transportation of any railroad car or cars upon its railroad for any distance the same or a greater amount of toll or compensation than is at the same time charged, collected, or received from any other person or persons for the use and transportation of any railroad car of the same class or number, for a like purpose, being transported in the same direction over a greater distance of the same railroad; or if it shall charge, collect, or receive from any person or persons for the use and transportation of any railroad car or cars upon its railroad a higher or greater rate of toll or compensation than it shall at the same time charge, collect, or receive from any other person or persons for the use and transportation of any railroad car or cars of the same class or number, for a like purpose, being transported from the same point in the same direction over an equal distance of the same railroad; all such discriminating rates, charges, collections, or receipts, whether made directly or by means of any rebate, drawback, or other shift or evasion, shall be deemed and taken against such railroad corporation as *prima facie* evidence of the unjust discriminations prohibited by the provisions of this act, and it shall not be deemed a sufficient excuse or justification of such discriminations on the part of such railroad corporation, that the railway station or point at which it shall charge, collect, or receive the same or less rates of toll or compensation for the transportation of such passenger or freight, or for the use and transportation of such railroad car the greater distance than for the shorter distance, is a railway station or point at which there exists competition with any other railroad or means of transportation. This section shall not be construed so as to exclude other evidence tending to show any unjust discrimination in freight and passenger rates. The provisions of this section shall extend and apply to any railroad, the branches thereof, and any road or roads which any railroad corporation has the right, license, or permission to use, operate, or control, wholly or in part, within the State: *Provided, however*, That nothing herein contained shall be so construed as to prevent railroad corporations from issuing commutation, excursion, or thousand mile tickets, as the same are now issued by such corporations.

SEC. 4. Any such railroad corporation guilty of extortion, or of making any unjust discrimination as to passenger or freight rates, or the rates for the use and transportation of railroad cars, or in receiving, handling, or delivering freights shall, upon conviction thereof, be fined in any sum not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) for the first offense; and for the second offense not less than five thousand dollars ($5,000) nor more than ten thousand dollars ($10.000;) and for the third offense not less ten thousand dollars ($10,000) nor more than twenty thousand dollars ($20,000;) and for every subsequent offense and conviction thereof shall be liable to a fine of twenty-five thousand dollars ($25,000:) *Provided*, That in all cases under this act either party shall have the right of trial by jury.

SEC. 5. The fines hereinbefore provided for may be recovered in an action of debt in the name of the people of the State of Illinois, and there may be several counts joined in the same declaration as to extortion and unjust discrimination, and as to passenger and freight rates, and rates for the use and transportation of railroad cars, and for receiving, handling, or delivering freights. If, upon the trial of any cause instituted under this act, the jury shall find for the people, they shall assess and return with their verdict the amount of the fine to be imposed upon the defendant, at any sum not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000,) and the court shall render judgment accordingly; and if the jury shall find for the people, and that the defendant has been once before convicted of a violation of the provisions of this act, they shall return such finding with their verdict, and shall assess and return with their verdict the amount of the fine to be imposed upon the defendant, at any sum not less than five thousand dollars ($5,000) nor more than ten thousand dollars ($10,000,) and the court shall render judgment accordingly; and if the jury shall find for the people, and that the defendant has been twice before convicted of a violation of the provisions of this act, with respect to extortion or unjust discrimination, they shall return such finding with their verdict, and shall assess and return with their verdict the amount of the fine to be imposed upon the defendant, at any sum not less than ten thousand dollars ($10,000) nor more than twenty thousand dollars ($20,000;) and in like manner for every subsequent offense and conviction such defendant shall be liable to a fine of twenty-five thousand dollars ($25,000:) *Provided*, That in all cases under the provisions of this act a preponderance of evidence in favor of the people shall be sufficient to authorize a verdict and judgment for the people.

SEC. 6. If any such railroad corporation shall, in violation of any of the provisions of this act, ask, demand, charge, or receive of any person or corporation, any extortionate charge or charges for the transportation of any passengers, goods, merchandise, or property, or for receiving, handling, or delivering freights, or shall make any unjust discrimination against any person or corporation in its charges therefor, the person or corporation so offended against may for each offense recover of such railroad corporation, in any form of action, three times the amount of the damages sustained by the party aggrieved, together with cost of suit and a reasonable attorney's fee, to be fixed by the court where the same is heard, on appeal or otherwise, and taxed as a part of the costs of the case.

SEC. 7. It shall be the duty of the railroad and warehouse commissioners to personally investigate and ascertain whether the provisons of this act are violated by any railroad corporation in this State, and to visit the various stations upon the line of each railroad for that purpose, as often as practicable; and whenever the facts in any manner ascertained by said commissoners shall in their judgment warrant such prosecution, it

shall be the duty of said commissioners to immediately cause suits to be commenced and prosecuted against any railroad corporation which may violate the provisions of this act. Such suits and prosecutions may be instituted in any county in the State, through or into which the line of the railroad corporation sued for violating this act may extend. And such railroad and warehouse commissioners are hereby authorized, when the facts of the case presented to them shall, in their judgment, warrant the commencement of such action, to employ counsel to assist the Attorney General in conducting such suit on behalf of the State. No such suits commenced by said commissioners shall be dismissed, except said railroad and warehouse commissioners and the Attorney General shall consent thereto.

SEC. 8. The railroad and warehouse commissioners are hereby directed to make, for each of the railroad corporations doing business in this State, as soon as practicable, a schedule of reasonable maximum rates of charges for the transportation of passengers and freight and cars on each of said railroads; and said schedule shall, in all suits brought against any such railroad corporations, wherein is in any way involved the charges of any such railroad corporation for the transportation of any passenger or freight or cars, or unjust discrimination in relation thereto, be deemed and taken, in all courts of this State, as *prima facie* evidence that the rates therein fixed are reasonable maximum rates of charges for the transportation of passengers and freights and cars upon the railroads for which said schedules may have been respectively prepared. Said commissioners shall, from time to time, and as often as circumstances may require, change and revise said schedules. When such schedules shall have been made or revised as aforesaid, it shall be the duty of said commissioners to cause publication thereof to be made for three successive weeks, in some public newspaper published in the city of Springfield in this state: "*Provided*, That the schedules thus prepared shall not be taken as *prima facie* evidence as herein provided until schedules shall have been prepared and published as aforesaid for all the railroad companies now organized under the laws of this State, and until the fifteenth day of January, A. D. 1874, or until ten days after the meeting of the next session of this General Assembly, provided a session of the General Assembly shall be held previous to the fifteenth day of January aforesaid." All such schedules, purporting to be printed and published as aforesaid, shall be received and held, in all such suits, as *prima facie* the schedules of said commissioners, without further proof than the production of the paper in which they were published, together with the certificate of the publisher of said paper that the schedule therein contained is a true copy of the schedule furnished for publication by said commissioners, and that it has been published the above specified time; and any such paper purporting to have been published at said city, and to be a public newspaper, shall be presumed to have been so published at the date thereof, and to be a public newspaper.

SEC. 10. In all cases under the provisions of this act, the rules of evidence shall be the same as in other civil actions, except as hereinbefore otherwise provided. All fines recovered under the provisions of this act shall be paid into the county treasury of the county in which the suit is tried, by the person collecting the same, in the manner now provided by law, to be used for county purposes. The remedies hereby given shall be regarded as cumulative to the remedies now given by law against railroad corporations, and this act shall not be construed as repealing any statute giving such remedies. Suits commenced under the provisions of this act shall have precedence over all other business, except criminal business.

SEC. 11. The term "railroad corporation," contained in this act, shall be deemed and taken to mean all corporations, companies, or individuals now owning or operating, or which may hereafter own or operate any railroad, in whole or in part, in this State; and the provisions of this act shall apply to all persons, firms, and companies, and to all associations of persons, whether incorporated or otherwise, that shall do business as common carriers upon any of the lines of railways in this State (street railways excepted) the same as to railroad corporations hereinbefore mentioned.

SEC. 12. An act entitled "An act to prevent unjust discriminations and extortions in the rates to be charged by the different railroads in this State for the transportation of freight on said roads," approved April 7, A. D. 1871, is hereby repealed, but such repeal shall not affect nor repeal any penalty incurred or right accrued under said act prior to the time this act takes effect, nor any proceedings or prosecutions to enforce such rights or penalties.

Approved May 2, 1873.

S. M. CULLOM,
Speaker House of Representatives.
JOHN EARLY,
President of the Senate.

JOHN L. BEVERIDGE,
Governor.

The Railroad Law of Wisconsin, of 1874.

CHAPTER 273.

AN ACT relating to railroads, express and telegraph companies, in the State of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SEC. 1. All railroads in the State of Wisconsin are hereby divided into three classes, to be known as Class A, Class B, and Class C. Class A shall include all railroads or parts of railroads in the State of Wisconsin now owned, operated, managed or leased either by the Milwaukee and St. Paul Railway Company, the Chicago and Northwestern Railway Company, or the Western Union Railway Company. Class B shall include all railroads or parts of railroads owned, operated, managed, or leased by the Wisconsin Central Railway Company, the Green Bay and Minnesota Railway Company, or the West Wisconsin Railway Company. Class C shall include all other railroads or parts of railroads in said State.

SEC. 2. Any individual, company, or corpora-

tion owning, operating, managing, or leasing any railroad or part of a railroad in the several classifications as herein prescribed, shall be limited to a compensation per mile for the transportation of any person with ordinary baggage not exceeding one hundred pounds in weight, as follows: Class A, three cents; Class B, three and one-half cents; Class C, four cents; provided that no such individual, company, or corporation, shall charge, demand or receive any greater compensation per mile for the transportation of children of the age of twelve years or under than one-half of the rate above prescribed; and provided further, that the rates of transportation herein prescribed may be reduced as hereinafter provided.

SEC. 3. All freights hereafter transported upon any railroad or part of a railroad in this State are hereby divided into four general classes, to be designated as first, second, third, and fourth classes, and into seven special classes, to be designated as Class D, E, F, G, H, I, and J. Class D shall comprise all grain in car loads; Class E shall comprise flour in lots of 50 barrels, and lime in lots of 24 barrels or more; Class F shall comprise salt in lots of 60 barrels or more; and cement, water, lime and stucco in lots of 24 barrels or more; Class G shall comprise lumber, lath, and shingles in car loads; Class H shall comprise live-stock in car loads; Class I shall comprise agricultural implements, furniture, and wagons; Class J shall comprise coal, brick, sand, stone, and heavy fourth class articles in car loads; and in addition to the several articles in the said special classes, shall be added other articles as and in the manner hereinafter prescribed, except into Classes D, E, G, and H; and all articles not above enumerated, or subsequently set into said classes as hereinafter provided, shall be placed in and belong to the four general classes, to be classified by the railroad commissioners hereinafter provided to be appointed, as said articles were classified by the Milwaukee and St. Paul Railway, which classification went into effect on the 15th day of June, 1872.

SEC. 4. No individual, company or corporation owning, operating, managing, or leasing any railroad or part of railroad designated in section one as Class A or B, shall charge for or receive a greater or higher rate for carrying articles named in the several special classes herein designated than is hereinafter provided,—namely, Class D, not exceeding six cents per one hundred pounds, for the first twenty-five miles, and not exceeding four cents per hundred pounds for the second twenty-five miles, and not exceeding two cents per hundred pounds for each additional twenty-five miles or fractional part thereof, unless the fraction shall be less than thirteen miles, in which case the rate shall be one cent for said fractional part, unless the whole distance be over two hundred miles, when no greater rate than one-half cent per hundred pounds shall be received for such twenty-five miles over said first mentioned distance. Class E, not exceeding twelve cents per barrel for the first twenty-five miles, and not exceeding eight cents per barrel for the second twenty-five miles, and not exceed four cents for each additional twenty-five miles, or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed two cents per barrel for said fractional part, unless the whole distance be over two hundred miles, when no greater rate than one cent per barrel shall be charged for such additional twenty-five miles over said two hundred miles. Class F, not exceeding fifteen cents per barrel for the first twenty five miles, and not exceeding six cents per barrel for the second twenty-five miles, and not exceeding three and one half cents per barrel for each additional twenty-five miles, or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed one and one-half cents per barrel for said fractional part. Class G, not exceeding eight dollars per car load for the first twenty five miles, and not exceeding five dollars per car load for the second twenty-five miles, and not exceeding two dollars per car load for each additional twenty-five miles, or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed one dollar and fifty cents per car load for such fractional part. Class H, not exceeding ten dollars per car load for the first twenty five miles, and not exceeding seven dollars per car load for the second twenty-five miles, and four dollars per car load for each additional twenty-five miles, or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed two dollars per car load for such fractional part. Class I, not exceeding eleven dollars per car load for the first twenty-five miles, and not exceeding six dollars per car load for the second twenty-five miles, and not exceeding three dollars per car load for each additional twenty-five miles or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed one dollar and one-half per car load for such fractional part. Class J, not exceeding eight dollars per car load for the first twenty-five miles, and not exceeding six dollars per car load for the second twenty-five miles, and not exceeding two and one-half dollars per car load for each additional twenty-five miles, or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed one dollar per car load for such fractional part.

SEC. 5. No individual, company, or corporation owning, operating, managing, or leasing any railroad mentioned in classes A and B, in the first section of this act, shall receive a greater or higher rate for carrying any freight, under the four general classes named in the third section of this act, than was charged for carrying freights in said four general classes on said railroad on the first day of June, 1873, and no individual, company, or corporation owning, operating, managing, or leasing any railroad mentioned in class C, in the first section of this act, shall receive a greater or higher rate for carrying freight than was received by said individual, company, or corporation for carrying such freight on the first day of June, 1873. In computing the rates for carrying any freights according to the provisions of this act, the distance for carrying such freight shall be computed from where it is received, notwithstanding it may pass from one railroad to another.

SEC. 6. In no instance shall any such individual, company, or corporation, lessee, or other person charge or receive any greater rate or compensation for carrying freight or passengers than hereinbefore provided; and any individual, company, or corporation violating or in any way evading the provisions of this act shall forfeit all right to recover or receive any compensation whatever for the service rendered wherein such violation is attempted; and every agent of any such corporation, lessee, or other individual operating any railroad within this State, who shall refuse to receive for transportation over the road for which he is agent, in the usual way, any of the articles hereinbefore mentioned, on account of the compensation hereinbefore prescribed being too low, or receiving any such articles of freight, shall charge or attempt to charge for the transportation of the same any greater sum than herein fixed, or shall in any manner violate or attempt to violate or evade the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not exceeding two hundred dollars for each and every offense; and the injured party shall have a right of action against said agent, or against the railway company or other persons operating the railroad, or both, in which he shall be entitled to recover three times the amount taken or received from him in excess of the rates prescribed by this act.

SEC. 7. Justices of the peace shall have concurrent jurisdiction with the circuit court in all prosecutions for violation of this act, with full power and authority to impose fines, and to the same extent as the circuit court; and the defendant shall have the right of appeal as in other cases tried before justices of the peace, and justices of the peace shall also have jurisdiction in all civil cases under this act whenever the amount claimed does not exceed two hundred dollars.

SEC. 8. The Governor shall, on or before the first day of May, 1874, by and with the consent of the Senate, appoint three railroad commissioners, one for a term of one year, one for a term of two years, and one for a term of three years, whose term of office shall commence on the first day of May, and shall each year thereafter, on the first day of May, appoint one railroad commissioner for the term of three years, said railroad commissioner to be confirmed by the Senate next convening after said appointment; but no person owning any bonds, stock, or property in any railroad, or in the employ of any railroad company, or in any way or manner interested in railroads, shall be so appointed.

SEC. 9. Said railroad commissioners shall have power to administer oaths or affirmations, to send for persons or papers under such regulations as they may prescribe, and shall at any and at all times have access to any and all books and papers in any railroad office, kept for and used in any railroad office, by any railroad company in this State.

SEC. 10. Said railroad commissioners, in making any examination as contemplated in this act, for the purpose of obtaining information pursuant to this act, shall have power to issue subpœnas for the attendance of witnesses by such rules as they may prescribe. In case any person shall wilfully fail or refuse to obey such subpœna, it shall be the duty of the circuit court of any county, upon application of the said commissioners, to issue an attachment for such witness and compel such witness to attend before the commissioners and give his testimony upon such matters as shall be lawfully required by such commissioners, and said court shall have power to punish for contempt as in other cases of refusal to obey the process and order of such court.

SEC. 11. Any person who shall wilfully neglect or refuse to obey the process of subpœna issued by said commissioners, and appear and testify as therein required, shall be deemed guilty of a misdemeanor and shall be liable to arraignment and trial in any court of competent jurisdiction, and on conviction thereof shall be punished for such offense by a fine not less than fifty dollars nor more than five hundred dollars; or by imprisonment of not more than thirty days, or both, in the discretion of the court before which such convictions shall be had.

SEC. 12. Said railroad commissioners shall, during the month of January in each year, ascertain and make return to the State treasurer hereinafter provided. 1st. The actual cost of each railroad in this State up to and including the 31st day of the next preceding December, and if such railroad shall be partly in and partly out of this State, then the actual cost of so much thereof as is in this State. 2d. The total gross receipts resulting from the operation of every such railroad during the next preceding year ending on the 31st day of December, or of that part of the same which is in this State. 3d. The total net earnings resulting from the operation of any such railroad during the next preceding year, ending on the 31st day of December, or that part of the same which is in this State. 4th. The total interest-bearing indebtedness of the company owning or operating such railroad, and the amount of interest paid by such company during the next preceding year, ending on the 31st day of December, and if any part of such indebtedness has been incurred in consequence of the construction, maintenance, repair, removal, or operation of any part of such railroad which is not in this State, or for equipment for such part, such railroad commissioners shall ascertain and determine in such manner as they shall think just and equitable how much of its indebtedness is justly chargeable to that part of said railroad that is in this State, and how much interest shall have been paid by such company during such year ending on the 31st day of the next preceding December, or that part of such indebtedness which is justly chargeable to that part of said railroad that is in this State. The Board of Commissioners shall prescribe the form and manner in which all reports required from railway companies under the provisions of this act shall be made, and suitable blanks for that purpose, as by said commissioners directed, shall be provided for by the Secretary of State. The records of said board shall at all times be open to inspection by the Governor, Secretary of State, Attorney General, and Legislature.

SEC. 13. Said railroad commissioners shall have power to classify all articles of freight transported on any railroad, except the articles

herein placed in special classes D, E, G, and H, placing said articles in either of the general classes herein provided for, or in any of said special classes, except classes D, E, G, and H, and are further empowered and authorized to reduce said rates on any of said railroads or parts of railroads, either in general or special classes, when in their judgment, or a majority of them, it can be done without injury to such railroad.

SEC. 14. Any individual, company, or corporation owning, operating, managing, or leasing any of said railroads or parts of railroads, shall be bound by the decision of such railroad commissioners, or a majority of them, with reference to said rates, and every violation by said individual, company, or corporation charging a greater or higher rate shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not exceeding two hundred dollars for each and every offense, and the injured party shall have a right of action against said individual, railroad company, or corporation operating said railroad, in which he shall be entitled to recover three times the amount taken or received from him in excess of the rates prescribed by this act, to be recovered as provided in section seven of this act.

SEC. 15. Before entering upon the duties of his office each of said commissioners shall make and subscribe and file with the Secretary of State an affidavit in the following form: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of the State of Wisconsin, and that I will faithfully discharge the duties of railway commissioner according to the best of my ability; that I am not a stockholder, officer, or employee of any railroad or freight company, or in any way interested therein;" and shall enter into bonds, with security approved by the Governor, in the sum of twenty thousand dollars, conditioned for the faithful performance of his duty as such commissioner.

SEC. 16. Each of said commissioners shall receive for his services not exceeding twenty-five hundred dollars per annum, payable quarterly, and three dollars per day for traveling expenses for each and every day actually traveled in the performance of the duties herein required; he shall be furnished with an office, furniture, and stationery, and necessary books and maps, at the expense of the State. The office of said commissioner shall be kept in Madison, and all sums of money authorized to be paid by this act out of the State treasury only on the order of the Governor, provided that the total sum of money to be expended by said commissioners for office rent, furniture, and stationery, shall not exceed the total sum of eight hundred dollars per annum.

SEC. 17. The commissioners shall have the right of passing, in the performance of their duties concerning railroads, on all railways and railway trains in this State, free of charge.

SEC. 18. Nothing contained in this act shall be taken as in any manner abridging or controlling the rates for freight charged by any railroad company in this State for carrying freight which comes from beyond the boundaries of the State, and to be carried across or through the State, but said railroad companies shall possess the same power and right to charge such rates for carrying such freight as they possessed before the passage of this act.

SEC. 19. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1874.

XVI.

THE SUPPLEMENTARY CIVIL RIGHTS BILL.

[For previous votes on this subject, see McPherson's Hand-Book of Politics, for 1872, pp. 83–85.]

FORTY-SECOND CONGRESS, THIRD SESSION.

IN HOUSE.

1872, December 9.—House bill 1647, supplemental to an act entitled "An act to protect all citizens of the United States in their civil rights and to furnish the means for their vindication," passed April 9, 1866, came up in order, as follows:

That no citizen of the United States shall, by reason of race, color, or previous condition of servitude, be excepted or excluded from the full and equal enjoyment of any accommodation, advantage, facility, or privilege furnished by inn-keepers; by common carriers, whether on land or water; by licensed owners, managers, or lessees of theaters or other places of public amusement; by trustees, commissioners, superintendents, teachers, and other officers of common schools and other public institutions of learning, the same being supported by moneys derived from general taxation, or authorized by law; also of cemetery associations and benevolent associations supported or authorized in the same way: *Provided*, That private schools, cemeteries, and institutions of learning established exclusively for white or colored persons, and maintained respectively by voluntary contributions, shall remain according to the terms of the original establishment.

SEC. 2. That any person violating any of the provisions of the foregoing section, or aiding in their violation, or inciting thereto, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action on the case, with full costs, and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less

than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That the party aggrieved shall not recover more than one penalty; and when the offense is a refusal of burial, the penalty may be recovered by the heirs at law of the person whose body has been refused burial.

SEC. 3. That the same jurisdiction and powers are hereby conferred and the same duties enjoined upon the courts and officers of the United States in the execution of this act as are conferred and enjoined upon such courts and officers in sections three, four, five, seven, and ten of an act entitled "An act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication," passed April ninth, eighteen hundred and sixty-six, and these sections are hereby made a part of this act; and any of the aforesaid officers failing to institute and prosecute such proceedings herein required shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than one thousand dollars nor more than five thousand dollars.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as juror in any court, national or State, by reason of race, color, or previous condition of servitude; and any officer or other persons charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the reason above named shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not less than one thousand dollars nor more than five thousand dollars.

SEC. 5. That every discrimination against any citizen on account of color by the use of the word "white," or any other term, in any law, statute, ordinance, or regulation, national or State, is hereby repealed and annulled.

Mr. ELDREDGE moved to lay it upon the table; which was lost—yeas 74, nays 113.

The bill, on motion of Mr. SCOFIELD, was subsequently referred to the Committee on the Revision of the Laws, and was not reported.

FORTY-THIRD CONGRESS, FIRST SESSION.

IN SENATE.

1873, December 1—Mr. SUMNER introduced the following bill, (S. No. 1,) which was read twice and ordered to be printed. [It is, *verbatim*, the bill above given.]

1874, January 27—Referred to the Judiciary Committee.

April 14—Mr. FRELINGHUYSEN reported the following as a substitute, which was considered April 29, and slightly amended, and is as follows:

That all citizens and other persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theatres, and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported, in whole or in part, by general taxation; and of cemeteries so supported; and also the institutions known as agricultural colleges endowed by the United States, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

SEC. 2. That any person who shall violate the foregoing section by denying to any person entitled to its benefits, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars, or shall be imprisoned not more than one year: *Provided*, That the party aggrieved shall not recover more than one penalty; and when the offense is a refusal of burial, the penalty may be recovered by the heirs at law of the person whose body has been refused burial: *And provided further*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State.

SEC 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against and violations of the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party. And the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States or territorial court as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination, as in other cases: *Provided*, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise.

SEC. 4. That no citizen possessing all other

qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than one thousand dollars.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court.

May 22—Mr. THURMAN'S motion to strike out the second section was disagreed to—yeas 13, nays 32:

YEAS—Messrs. *Bogy*, *Cooper*, *Davis*, *Hager*, *Hamilton* of Maryland, *Johnston*, *Kelly*, *McCreery*, *Merrimon*, *Norwood*, *Ransom*, *Saulsbury*, *Stockton*—13.

NAYS—Messrs. Alcorn, Allison, Boutwell, Buckingham, Carpenter, Conkling, Conover, Edmunds, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Spencer, Stewart, Wadleigh, Washburn, West, Windom, Wright—32.

Mr. SARGENT moved to amend the amendment by adding to the first section the following:

Provided, That nothing herein contained shall be construed to prohibit any State or school district from providing separate schools for persons of different sex or color, where such separate schools are equal in all respects to others of the same grade established by such authority, and supported by an equal *pro rata* expenditure of school funds.

Disagreed to—yeas 21, nays 26:

YEAS—Messrs. Allison, *Bogy*, Boreman, Conover, *Cooper*, *Davis*, *Hager*, *Hamilton* of Maryland, *Johnston*, *Kelly*, Logan, *McCreery*, *Merrimon*, Morrill of Maine, *Norwood*, *Ransom*, Sargent, *Saulsbury*, Scott, Stewart, *Stockton*—21.

NAYS—Messrs. Alcorn, Boutwell, Buckingham, Carpenter, Conkling, Edmunds, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Vermont, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, Wadleigh, Washburn, West, Windom, Wright—26.

Mr. JOHNSTON moved to amend the amendment by striking out of section one the words "and also of common schools and public institutions of learning or benevolence, supported, in whole or in part, by general taxation."

Disagreed to—yeas 14, nays 30:

YEAS—Messrs. *Bogy*, Boreman, *Cooper*, *Davis*, *Hager*, *Hamilton* of Maryland, *Johnston*, *Kelly*, *McCreery*, *Merrimon*, *Norwood*, *Ransom*, *Saulsbury*, *Stockton*—14.

NAYS—Messrs. Alcorn, Allison, Boutwell, Buckingham, Chandler, Conkling, Conover, Edmunds, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Vermont, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Spencer, Stewart, Wadleigh, Washburn, West, Windom, Wright—30.

Mr. HAMILTON of Maryland moved to strike out the fourth section of the bill, which refers to the selection of jurors.

Disagreed to—yeas 15, nays 28:

YEAS—Messrs. *Bogy*, Carpenter, *Cooper*, *Davis*, *Hager*, *Hamilton* of Maryland, *Johnston*, *Kelly*, *McCreery*, *Merrimon*, *Norwood*, *Ransom*, Sargent, *Saulsbury*, *Stockton*—15.

NAYS—Messrs. Alcorn, Allison, Boutwell, Buckingham, Conkling, Edmunds, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Vermont, Oglesby, J. J. Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Spencer, Stewart, Wadleigh, Washburn, West, Windom, Wright—28.

The bill then (7 o'clock a. m., after a continuous session of twenty hours) passed—yeas 29, nays 16:

YEAS—Messrs. Alcorn, Allison, Boutwell, Buckingham, Conkling, Edmunds, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Spencer, Stewart, Wadleigh, Washburn, West, Windom, Wright—29.

NAYS—Messrs. *Bogy*, Boreman, Carpenter, *Cooper*, *Davis*, *Hager*, *Hamilton* of Maryland, *Johnston*, *Kelly*, Lewis, *McCreery*, *Merrimon*, *Norwood*, *Ransom*, *Saulsbury*, *Stockton*—16.

ABSENT—Messrs. Anthony, *Bayard*, Brownlow, Cameron, Chandler, Clayton, Conover, Cragin, *Dennis*, Dorsey, FENTON, Ferry of Connecticut, Ferry of Michigan, Gilbert, *Goldthwaite*, *Gordon*, HAMILTON of Texas, Hitchcock, Jones, Logan, Morrill of Maine, Morton, SCHURZ, Sherman, Sprague, *Stevenson*, *Thurman*, TIPTON—28.

IN HOUSE.

May 25—Mr. B. F. BUTLER moved to suspend the rules and refer the bill to the Judiciary Committee, with the right to report it to the House at any time.

Two-thirds not voting in favor, the motion was disagreed to—yeas 154, nays 85:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, B. F. Butler, Cain, Cannon, Cason, Cessna, S. A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Dawes, Donnan, Duell, Dunnell, Eames, Field, C. Foster, Frye, Garfield, Gooch, Gunckel, Harrison, Hathorn, J. B. Hawley, J. R. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, Hendee, E. R. Hoar, G. F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Kasson, Kelley, Kellogg, Killinger, Lamport, Lawrence, Lawson, B. Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, J. W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, W. S. Moore, Morey, L. Myers, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, I. C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, J. H. Platt, T. C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, J. B. Rice, Richmond, E. H. Roberts, J. W. Robinson,

Ross, Rusk, Sawyer, H. B. Sayler, Scofield, H. J. Scudder, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, Small, Smart, A. H. Smith, H. B. Smith, J. Q. Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Stowell, Sypher, Taylor, C. R. Thomas, Todd, W. Townsend, Tremain, Tyner, Wallace, Walls, J. D. Ward, M. L. Ward, White, Whiteley, Wilber, C. W. Willard, G. Willard, C. G. Williams, J. M. S. Williams, Williams of Indiana, W. B. Williams, J. Wilson, Woodworth—154.

NAYS—Messrs. *Adams, Archer, Arthur, Ashe, Atkins,* BANNING, *J. B. Beck, H. P. Bell, Berry, Bland, Blount, Bowen, Bright,* BROMBERG, *Buckner,* R. R. Butler, *J. H. Caldwell, J. B. Clark, Clymer, Comingo, Cook, Cox, Crittenden, Crossland, De Witt, Durham, Eden, Giddings, Glover, Hancock, H. R. Harris, J. T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Kendall, Knapp, Lamar, Leach,* Lowndes, *Luttrell, Magee, Marshall, McLean, Milliken, Mills, Mitchell, Morrison, Neal, Nesmith, W. E. Niblack, O'Brien, H. W. Parker, E. Perry, Randall, Read, Robbins, J. C. Robinson, M. Sayler,* Sener, *Sloss,* J. A. Smith, W. A. Smith, *Southard, Speer, Standeford, Stone, Storm,* Strait, *Swann,* C. Y. Thomas, Thornburgh, *Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, E. K. Wilson, Wolfe, Wood, J. D. Young, P. M. B. Young*—85.

June 1—Mr. B. F. BUTLER moved to suspend the rules, so as to take from the table Senate bill No. 1, and refer the same to the Judiciary Committee, with the right to report at any time, stating at the same time that he was instructed by the Judiciary Committee to allow a motion in the House to strike out the school clause of that bill.

Mr. BECK moved that the House adjourn.

The House refused to adjourn—yeas 72, nays 141.

The hour for taking a recess arrived at the close of the roll-call.

June 8—Mr. B. F. BUTLER'S motion came up, and was seconded—yeas 73, nays 70—and then rejected, two-thirds not voting affirmatively—yeas 138, nays 88, not voting 63:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, B. F. Butler, Cain, Cannon, Cason, Cessna, A. Clark, S. A. Cobb, Coburn, Conger, Corwin, Cotton, Crocker, Crooke, Crounse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, C. Foster, Freeman, Frye, Garfield, Gooch, Gunckel, B. W. Harris, Hathorn, Havens, J. B. Hawley, Hays, J. W. Hazelton, Hendee, E. R. Hoar, Hodges, Hooper, Hoskins, Howe, Hunter, Hyde, HYNES, Kasson, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Loughridge, Lowe, J R. Lynch, McCrary, J. W. McDill, MacDougall, McKee, Merriam, Monroe, Morey, Niles, Nunn, O'Neill, Orth, Packard, Packer, Parsons, Pelham, Pendleton, Pierce, Pike, J. H. Platt, T. C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, J. B. Rice, E. H. Roberts, J. W. Robinson, Ross, Rusk, Sawyer, H. B. Sayler, H. J. Scudder, Sessions, Shanks, Sheats, Sheldon, L. D. Shoemaker, Sloan, Small, A. H. Smith, G. L. Smith, H. B. Smith, J. Q. Smith, Snyder, Sprague, Starkweather, Stowell, Strawbridge, Sypher, Todd, W. Townsend, Tremain, Tyner, Waldron, Wallace, Walls, M. L. Ward, Wheeler, White, Whiteley, C. W. Willard, G. Willard, C. G. Williams, J. M. S. Williams, Williams of Indiana, W. B. Williams, J. Wilson, Woodford, Woodworth—138.

NAYS—Messrs. *Adams, Archer, Arthur, Ashe, Atkins,* BANNING, *J. B. Beck, H. P. Bell, Berry, Bland, Blount, Bowen, Bright,* BROMBERG, *Brown, Buckner,* R. R. Butler, *J. H. Caldwell, J. B. Clark, Clymer, Cook, Cox, Creamer, Crittenden, Crossland, J. J. Davis, Durham, Eden, Eldredge, Giddings, Glover, Hamilton, Hancock, H. R. Harris, J. T. Harris, Harrison, Hatcher, Hereford, Herndon,* Houghton, *Hunton, Jewett, Kendall, Knapp, Lamar, Lamison, Leach,* Lofland, Lowndes, *Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, W. E. Niblack, O'Brien, E. Perry,* Phelps, *Randall,* Ray, *Read, J. C. Robbinson, M. Sayler, J. G. Schumaker,* Sener, *Sloss,* W. A. Smith, *Southard, Speer,* Stanard, *Standeford, Storm,* Strait, *Swann,* C. Y. Thomas, Thornburgh, *Vance, Wells, Whitehead,* WHITEHOUSE, *Whitthorne, Willie, Wood, J. D. Young*—88.

OTHER PROCEEDINGS IN HOUSE.

1873, December 8—Mr. MOREY moved that the rules be suspended, so as to enable him to introduce, and the House to pass, a bill supplemental to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866. [The bill was identical with that of Senator SUMNER.]

Mr. BECK moved that the House adjourn.

The House refused to adjourn—yeas 106, nays 144.

Mr. MOREY then modified his motion, so as to enable him to introduce the bill, and the House to refer the same to the Committee on the Judiciary, with leave to report thereon at any time.

The rules were suspended, and the modified motion agreed to—yeas 161, nays 70.

The bill (H. R. 473) was then introduced, read twice, and so referred.

1874, June 20—The bill (S. No. 1) was reached on the Speaker's table, under the order of business adopted, and was read.

Mr. ELDREDGE moved that the House adjourn, which was disagreed to—yeas 76, nays 105.

The motion to suspend the rules and pass the bill was disagreed to—yeas 140, nays 91, (two-thirds not voting in favor,) not voting 59:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, B. F. Butler, Cain, Cannon, Cason, Cessna, A. Clark, S. A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Curtis, Darrall, Dawes, Dobbins, Donnan, Dunnell, Eames, Field, C. Foster, Frye, Garfield, Gooch, Gunckel, R. S. Hale, B. W. Harris, Hathorn, J. B. Hawley, J. R. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, Hendee, E. R. Hoar, G. F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lawson, B. Lewis, Loughridge, Lowe, J. R. Lynch, McCrary, J. W. McDill, McJunkin, McKee, Merriam, Monroe, W. S. Moore, Morey, Negley, Niles, O'Neill,

Orr, Orth, Packard, Page, Parsons, Pelham, Pendleton, Pierce, Pike, T. C. Platt, Poland, Purman, Rainey, Ransier, Rapier, J. B. Rice, Richmond, E. H. Roberts, J. W. Robinson, Ross, Rusk, Sawyer, H. B. Sayler, Scofield, H. J. Scudder, Shanks, Sheats, Sheldon, Small, A. H. Smith, G. L. Smith, H. B. Smith, J. Q Smith, Snyder, Starkweather, Stowell, Strawbridge, Sypher, Todd, W. Townsend, Tremain, Waldron, Wallace, Walls, J. D. Ward, M. L. Ward, White, Whiteley, Wilber, C. W. Willard, G. Willard, C. G. Williams, J. M. S. Williams, Williams of Indiana, W. B. Williams, J. Wilson, J. M. Wilson, Woodford, Woodworth—140.

NAYS—Messrs. *Adams*, *Archer*, *Arthur*, *Ashe*, *Atkins*, BANNING, *Barnum*, *J. B. Beck*, *H. P. Bell*, *Berry*, *Bland*, *Blount*, *Bowen*, *Bright*, BROMBERG, *Brown*, *Buckner*, R. R. Butler, *J. H. Caldwell*, *J. B. Clark*, *Clymer*, *Cominyo*, *Cook*, *Cox*, *Creamer*, *Crittenden*, *Crossland*, Crutchfield, *J. J. Davis*, *Durham*, *Eldredge*, *Giddings*, *Gunter*, *Hamilton*, *Hancock*, *H. R. Harris*, *J. T. Harris*, Harrison, *Hatcher*, *Hereford*, *Herndon*, *Holman*, *Hunton*, Hyde, *Kendall*, *Knapp*, *Lamar*, *Leach*, Lowndes, *Luttrell*, *Magee*, *McLean*, *Milliken*, *Mills*, *Morrison*, *Neal*, *Nesmith*, *W. E. Niblack*, *O'Brien*, *E. Perry*, Phelps, *Randall*, Ray, *Read*, *Robbins*, *J. C. Robinson*, *M. Sayler*, *J. G. Schumaker*, Sener, *Sloss*, J. A. Smith, *Southard*, *Speer*, Stanard, *Standeford*, St. John, *Stone*, *Storm*, *Swann*, C. Y. Thomas, Thornburgh, *Vance*, *Wells*, *Whitehead*, WHITEHOUSE, *Whitthorne*, *Willie*, *E. K. Wilson*, *Wolfe*, *J. D. Young*, *P. M. B. Young*—91.

NOT VOTING—Messrs. F. Clarke, Clayton, Clements, C. L. Cobb, Crocker, Danford, *De Witt*, Duell, *Eden*, Elliott, Farwell, Fort, Freeman, *Glover*, Hagans, E. Hale, Harmer, Havens, Hersey, HYNES, *Jewett*, Killinger, *Lamison*, Lansing, Lofland, *Marshall*, Martin, Maynard, A. S. McDill, MacDougall, McNulta, *Mitchell*, L. Myers, Nunn, Packer, *H. W. Parker*, I. C. Parker, Phillips, J. H Platt, *Potter*, Pratt, *W. R. Roberts*, I. W. Scudder, Sessions, I. R. Sherwood, L. D. Shoemaker, Sloan, Smart, W. A. Smith, Sprague, *A. H. Stephens*, Strait, Taylor, C. R. Thomas, Tyner, *Waddell*, Wheeler, *Wood*—58.

The bill remains on the Speaker's table.

XVII.

WOMAN'S RIGHTS.

IN SENATE.

1874, May 28—Pending the consideration of Senate bill No. 44, to establish the Territory of Algonquin (or Pembina)—

Mr. SARGENT moved to amend section 5 thereof by inserting the word "sex" before the word "race," and also to strike out the word "male," so that the section would read:

SEC. 5. That every inhabitant of the United States above the age of twenty-one years, who shall have been a resident of the said Territory at the time of the passage of this act, shall be entitled to vote at the first and all subsequent elections in the Territory, and shall be eligible to hold any office in said Territory, but the qualifications for voters and of holding office, at all subsequent elections, shall be such as shall be provided by the Legislative Assembly: *Provided*, That the Legislative Assembly shall not, at any time, abridge the right of suffrage, or to hold office, on account of sex, race, color, or previous condition of servitude of any resident of the Territory: *Provided further*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared on oath, before a competent court of record, their intention to become such, and shall have taken an oath to support the Constitution and Government of the United States.

A motion to table the bill was disagreed to—yeas 24, nays 24.

Mr, SARGENT'S amendment was disagreed to—yeas 19, nays 27:

YEAS—Messrs. Anthony, Carpenter, Chandler, Conover, Ferry of Michigan, Flanagan, Gilbert, Harvey, Mitchell, Morton, J. J. Patterson, Pratt, Sargent, Sprague, Stewart, TIPTON, Washburn, West, Windom—19.

NAYS—Messrs. Allison, *Bayard*, Boreman, Boutwell, Buckingham, Clayton, Conkling, *Cooper*, *Davis*, Edmunds, Frelinghuysen, *Hager*, *Hamilton* of Maryland, Hitchcock, Jones, *Kelly*, *McCreery*, *Merrimon*, Morrill of Vermont, *Norwood*, Ramsey, *Ransom*, *Saulsbury*, Scott, Sherman, Wadleigh, Wright—27.

The bill was then rejected—yeas 19, nays 29.

IN HOUSE.

1874, June 1—Mr. B. F. BUTLER, from the Committee on the Judiciary, reported House bill 3583, to allow certain citizens of the United States to practice law in the courts of the United States.

The bill provides "that every female citizen of the United States, otherwise found qualified, shall be admitted to practice as attorney and counsellor at law in the several courts of the United States."

After a first and second reading, the bill was ordered to be engrossed and read a third time—yeas 95, nays 66, not voting 128:

YEAS.—Messrs. Albert, Albright, Barber, Barry, Begole, Biery, *Bland*, Bradley, BROMBERG, Buffinton, Bundy, Burrows, B. F. Butler, Cain, Cason, Cessna, A. Clark, Coburn, Conger, Crocker, Darrall, Dawes, Donnan, Farwell, Field, C. Foster, Freeman, Gooch, B. W. Harris,

Harrison, *Hatcher*, Hathorn, J. B. Hawley, J. R. Hawley, G. W. Hazelton, Houghton, Howe, Hunter, Hyde, Kasson, *Knapp*, Lawrence, Lawson, Loughridge, Lowe, *Marshall*, McCrary, A. S. McDill, J. W. McDill, MacDougall, W. S. Moore, *Morrison*, L. Myers, Niles, O'Neill, Page, I. C. Parker, Pelham, Pendleton, Pierce, Pike, J. H. Platt, *Potter*, Purman, Rainey, Rapier, *J. C. Robinson*, Rusk, H. B. Sayler, Shanks, Sheats, Sloan, A. H. Smith, G. L. Smith, H. B. Smith, J. Q. Smith, Stanard, Starkweather, *Stone*, Strait, C. Y. Thomas, Todd, Waldron, Wallace, J. D. Ward, WHITEHOUSE, Whiteley, Wilber, C. W. Willard, C. G. Williams, J. M. S. Williams, Williams of Indiana, W. B. Williams, J. Wilson, J. M. Wilson—95.

NAYS—Messrs. *Adams*, *Archer*, *Arthur*, *Ashe*, *Atkins*, *Barnum*, *J. B. Beck*, *H. P. Bell*, *Blount*, *Bowen*, *Bright*, *Brown*, Buckner, Burleigh, R. R. Butler, *J. H. Caldwell*, *Clymer*, *Cook*, Corwin, *Cox*, *Crossland*, Danford, Dunnell, *Giddings*, Hagans, E. Hale, *Hamilton*, *Hancock*, *H. R. Harris*, *J. T. Harris*, Hays, *Hereford*, *Herndon*, E. R. Hoar, *Holman*, *Hunton*, Hurlbut, Lofland, *Magee*, Maynard, *McLean*, *Millikin*, Packer, Poland, Ray, J. B. Rice, *Robbins*, E. H. Roberts, Sawyer, I. W. Scudder, Sener, Sheldon, L. D. Shoemaker, *Stoss*, J. A. Smith, *Southard*, *Speer*, Sprague, *Storm*, *Swann*, W. Townsend, Tremain, *Vance*, *Whitehead*, *Whitthorne*, *J. D. Young*—66.

NOT VOTING—Messsrs. Averill, BANNING, Barrere, Bass, *Berry*, Burchard, Cannon, *J. B. Clark*, F. Clark, Clayton, Clements, C. L. Cobb, S. A. Cobb, *Comingo*, Cotton, *Creamer*, *Crittenden*, Crooke, Crounse, Crutchfield, Curtis, *J. J. Davis*, *De Witt*, Dobbins, Duell, *Durham*, Eames, *Eden*, *Eldredge*, Elliott, Fort, Frye, Garfield, *Glover*, Gunckel, R. S. Hale, Harmer, Havens, J. W. Hazelton, Hendee, Hersey, G. F. Hoar, Hodges, Hooper, Hoskins, Hubbell, HYNES, *Jewett*, Kelley, Kellogg, *Kendall*, Killinger, *Lamar*, *Lamison*, Lamport, Lansing, *Leach*, B. Lewis, Lowndes, *Luttrell*, J. R. Lynch, Martin, McJunkin, McKee, McNulta, Merriam, *Mills*, *Mitchell*, Monroe, Morey, *Neal*, Negley, *Nesmith*, *W. E. Niblack*, Nunn, *O'Brien*, Orr, Orth, Packard, *H. W. Parker*, Parsons, *E. Perry*, Phelps, Phillips, T. C. Platt, Pratt, *Randall*, Ransier, *Read*, Richmond, *W. R. Roberts*, J. W. Robinson, Ross, *M. Sayler*, *J. G. Schumaker*, Scofield, H. J. Scudder, Sessions, I. R. Sherwood, Small, Smart, W. A. Smith, Snyder, *Standeford*, *A. H. Stephens*, St. John, Stowell, Strawbridge, Sypher, Taylor, C. R. Thomas, Thornburg, Tyner, *Waddell*, Walls, M. L. Ward, *Wells*, Wheeler, White, G. Willard, *Willie*, Wilshire, *E. K. Wilson*, *Wolfe*, *Wood*, Woodford, Woodworth *P. M. B. Young*—128.

The bill did not reach a final vote.

State Action.

MAINE.

The legislative vote upon the question of female suffrage, taken in 1873, resulted—in the Senate, yeas 14, nays 14; in the House, yeas 61, nays 69.

MASSACHUSETTS.

A special committee of the Legislature of 1873 reported a resolve providing for amendment of the constitution to secure to women the elective franchise and the right to hold office. The resolve was rejected.

February 16, 1874, the House of Representatives asked for the opinion of the justices of the Supreme Judicial Court on this question, viz: "Under the constitution of this Commonwealth can a woman be a member of a school committee?" To which the justices reply:

"The question is limited to the effect of the constitution upon the capacity of a woman to hold this office, and involves no interpretation of statutes.

"If the constitution prevents a woman from being a member of a school committee, it must be by force of some express provision thereof, or else by necessary implication arising either from the nature of the office itself, or from the law of Massachusetts as existing when the constitution was adopted, and in the light of which it must be read.

"But the constitution contains nothing relating to school committees; the office is created and regulated by statute; and the constitution confers upon the general court full power and authority to name and settle annually, or provide by fixed laws for naming and settling all civil officers within the Commonwealth, the election and constitution of whom are not in the constitution otherwise provided for.

"The common law of England, which was our law upon the subject, permitted a woman to fill any local office of an administrative character, the duties attached to which were such that a woman was competent to perform them.

"The duties of a school committee relate exclusively to the education of children and youth in the town or city for which it is elected; they consist of the general charge and superintendence of the schools, including the employment of teachers, the selection of school books, the regulation of the attendance of scholars, and the preparation of school registers and returns; and they are in no respect of such a nature that they cannot be well and efficiently performed by woman.

"The necessary conclusion is, that there is nothing in the constitution of the Commonwealth to prevent a woman from being a member of a school committee, and that the question proposed must be respectfully answered in the affirmative."

NEW HAMPSHIRE.

The question of female suffrage was presented to the Legislature of 1873, in the shape of "An act authorizing women to vote in meetings of school districts, and hold office in such districts." The popular branch indefinitely postponed the bill by 69 yeas to 228 nays.

By act approved July 3, 1872, women may be elected to the office of prudential school committee, in any district of the State.

RHODE ISLAND.

The following resolution was adopted by the House of Representatives, (1874,) but indefinitely postponed by the Senate:

Resolved, A majority of all the members elected to each House of the General Assembly concurring herein, that the following article be pro-

posed as an amendment to the constitution of the State, and that the Secretary of State cause the same to be published, and printed copies thereof to be distributed in the manner provided in article XIII of the constitution:

Article.

Men and women, politically and legally, shall be entitled to equal rights and privileges, and shall be subject to equal duties and liabilities.

XVIII.

GENEVA AND SAN JUAN AWARDS.

The Geneva Award, September 14, 1872.

Decision and award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington, the 8th of May, 1871, between the United States and Great Britain.

The United States of America and her Britannic Majesty having agreed by article I of the treaty concluded and signed at Washington, the 8th of May, 1871, to refer all the claims "generically known as the Alabama claims," to a tribunal of arbitration, to be composed of five arbitrators, named; one by the President of the United States; one by Her Britannic Majesty; one by His Majesty the King of Italy; one by the President of the Swiss Confederation; one by His Majesty the Emperor of Brazil. And the President of the United States, Her Britannic Majesty, His Majesty the King of Italy, the President of the Swiss Confederation, and his Majesty the Emperor of Brazil having respectively named their arbitrators, to wit: The President of the United States, Charles Francis Adams, Esq.; Her Britannic Majesty, Sir Alexander James Edmund Cockburn, baronet, a member of Her Majesty's privy council, lord chief justice of England; His Majesty the King of Italy, His Excellency Count Frederick Sclopis, of Salerano, a knight of the Order of the Annunciata, minister of State, senator of the Kingdom of Italy: the President of the Swiss Confederation, M. James Stämpfli; His Majesty the Emperor of Brazil, his Excellency Marcos Antonio d'Araujó, Viscount d'Itajubá, a grandee of the Empire of Brazil, member of the council of H. M. the Emperor of Brazil, and his envoy extraordinary and minister plenipotentiary in France. And the five arbitrators above named having assembled at Geneva (in Switzerland) in one of the chambers of the Hotel de Ville, on the 15th of December, 1871, in conformity with the terms of the second article of the Treaty of Washington, of the 8th of May of that year, and having proceeded to the inspection and verification of their respective powers, which were found duly authenticated, the tribunal of arbitration was declared duly organized.

The agents named by each of the high contracting parties, by virtue of the same article II, to wit: For the United States of America, John C. Bancroft Davis, Esq.; and for Her Britannic Majesty, Charles Stuart Aubrey, Lord Tenterden, a peer of the United Kingdom, companion of the Most Honorable Order of the Bath, assistant under-secretary of state of foreign affairs. Whose powers were found likewise duly authenticated, then delivered to each of the arbitrators the printed case prepared by each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relied, in conformity with the terms of the third article of the said treaty.

In virtue of the decision made by the tribunal at its first session, the counter case and additional documents, correspondence, and evidence referred to in article IV of the said treaty were delivered by the respective agents of the two parties to the secretary of the tribunal on the 15th of April, 1872, at the chamber of conference, at the Hotel de Ville of Geneva.

The tribunal, in accordance with the vote of adjournment passed at their second session, held on the 16th of December, 1871, reassembled at Geneva, on the 15th of June, 1872; and the agent of each of the parties duly delivered to each of the arbitrators, and to the agent of the other party, the printed argument referred to in article V of the said treaty.

The tribunal having since fully taken into their consideration the treaty, and also the cases, counter cases, documents, evidence, and arguments, and likewise all other communications made to them by the two parties during the progress of their sittings, and having impartially and carefully examined the same, has arrived at the decision embodied in the present award:

Whereas having regard to the VIth and VIIth articles of the said treaty, the arbitrators are bound, under the terms of the said VIth article, "in deciding the matters submitted to them, to be governed by the three rules therein specified, and by such principles of international law, not inconsistent therewith, as the arbitrators shall determine to have been applicable to the case;"

And whereas the "due diligence" referred to in the first and third of the said rules ought to be exercised by neutral governments in exact proportion to the risks to which either of the belligerents may be exposed, from a failure to fulfill the obligations of neutrality on their part;

And whereas the circumstances out of which the facts constituting the subject-matter of the present controversy arose were of a nature to call for the exercise on the part of her Britannic Majesty's Government of all possible solicitude for the observance of the rights and the duties

involved in the proclamation of neutrality issued by Her Majesty on the 13th day of May, 1861;

And whereas the effects of a violation of neutrality committed by means of the construction, equipment, and armament of a vessel are not done away with by any commission which the Government of the belligerent power, benefited by the violation of neutrality, may afterwards have granted to that vessel; and the ultimate step, by which the offense is completed, cannot be admissible as a ground for the absolution of the offender, nor can the consummation of his fraud become the means of establishing his innocence;

And whereas the privilege of exterritoriality accorded to vessels of war has been admitted into the law of nations, not as an absolute right, but solely as a proceeding founded on the principle of courtesy and mutual deference between different nations, and therefore can never be appealed to for the protection of acts done in violation of neutrality;

And whereas the absence of a previous notice cannot be regarded as a failure in any consideration required by the law of nations, in those cases in which a vessel carries with it its own condemnation;

And whereas in order to impart to any supplies of coal a character inconsistent with the second rule, prohibiting the use of neutral ports or waters, as a base of naval operations for a belligerent, it is necessary that the said supplies should be connected with special circumstances of time, of persons, or of place, which may combine to give them such character;

And whereas, with respect to the vessel called the Alabama, it clearly results from all the facts relative to the construction of the ship at first designated by the number "290" in the port of Liverpool, and its equipment and armament in the vicinity of Terceira, through the agency of the vessels called the "Agrippina" and the "Bahama," dispatched from Great Britain to that end, that the British Government failed to use due diligence in the performance of its neutral obligations; and especially that it omitted, notwithstanding the warnings and official representations made by the diplomatic agents of the United States during the construction of the said number "290," to take in due time any effective measures of prevention, and that those orders which it did give at last, for the detention of the vessel, were issued so late that their execution was not practicable;

And whereas, after the escape of that vessel, the measures taken for its pursuit and arrest were so imperfect as to lead to no result, and therefore cannot be considered sufficient to release Great Britain from the responsibility already incurred;

And whereas, in despite of the violations of the neutrality of Great Britain committed by the "290," this same vessel, later known as the Confederate cruiser Alabama, was on several occasions freely admitted into the ports of colonies of Great Britain, instead of being proceeded against as it ought to have been in any and every port within British jurisdiction in which it might have been found;

And whereas the Government of Her Britannic Majesty cannot justify itself for a failure in due diligence on the plea of insufficiency of the legal means of action which it possessed:

Four of the arbitrators, for the reasons above assigned, and the fifth for reasons separately assigned by him, are of opinion that Great Britain has in this case failed, by omission, to fulfill the duties prescribed in the first and the third of the rules established by the VIth article of the treaty of Washington.

And whereas, with respect to the vessel called the "Florida," it results from all the facts relative to the construction of the "Oreto" in the port of Liverpool, and to its issue therefrom, which facts failed to induce the authorities in Great Britain to resort to measures adequate to prevent the violation of the neutrality of that nation, notwithstanding the warnings and repeated representations of the agents of the United States, that Her Majesty's Government has failed to use due diligence to fulfill the duties of neutrality;

And whereas it likewise results from all the facts relative to the stay of the "Oreto" at Nassau, to her issue from that port, to her enlistment of men, to her supplies, and to her armament, with the co-operation of the British vessel "Prince Alfred," at Green Cay, that there was negligence on the part of the British colonial authorities;

And whereas, notwithstanding the violation of the neutrality of Great Britain committed by the Oreto, this same vessel, later known as the Confederate cruiser Florida, was nevertheless on several occasions freely admitted into the ports of British colonies;

And whereas the judicial acquittal of the Oreto at Nassau cannot relieve Great Britain from the responsibility incurred by her under the principles of international law; nor can the fact of the entry of the Florida into the Confederate port of Mobile, and of its stay there during four months, extinguish the responsibility previously to that time incurred by Great Britain:

For these reasons, the tribunal, by a majority of four voices to one, is of opinion, that Great Britain has in this case failed, by omission, to fulfill the duties prescribed in the first, in the second, and in the third of the rules established by article VI of the treaty of Washington.

And whereas, with respect to the vessel called the "Shenandoah," it results from all the facts relative to the departure from London of the merchant vessel the "Sea King," and to the transformation of that ship into a Confederate cruiser under the name of the Shenandoah, near the island of Madeira, that the Government of Her Britannic Majesty is not chargeable with any failure, down to that date, in the use of due diligence to fulfill the duties of neutrality;

But whereas it results from all the facts connected with the stay of the Shenandoah at Melbourne, and especially with the augmentation which the British Government itself admits to have been clandestinely effected of her force, by the enlistment of men within that port, that there was negligence on the part of the authorities at that place:

For these reasons, the tribunal is unanimously of opinion, that Great Britain has not failed, by

any act or omission, "to fulfill any of the duties prescribed by the three rules of article VI in the treaty of Washington, or by the principles of international law not inconsistent therewith," in respect to the vessel called the Shenandoah, during the period of time anterior to her entry into the port of Melbourne;

And, by a majority of three to two voices, the tribunal decides that Great Britain has failed, by omission, to fulfill the duties prescribed by the second and third of the rules aforesaid, in the case of this same vessel, from and after her entry into Hobson's bay, and is therefore responsible for all acts committed by that vessel after her departure from Melbourne, on the 18th day of February, 1865.

And so far as relates to the vessels called the Tuscaloosa, (tender to the Alabama,) the Clarence, the Tacony, and the Archer, (tenders to the Florida,) the tribunal is unanimously of opinion, that such tenders or auxiliary vessels, being properly regarded as accessories, must necessarily follow the lot of their principals, and be submitted to the same decision which applies to them respectively.

And so far as relates to the vessel called "Retribution," the tribunal, by a majority of three to two voices, is of opinion, that Great Britain has not failed, by any act or omission, to fulfill any of the duties prescribed by the three rules of article VI in the treaty of Washington, or by the principles of international law not inconsistent therewith.

And so far as relates to the vessels called the Georgia, the Sumter, the Nashville, the Tallahassee, and the Chickamauga, respectively, the tribunal is unanimously of opinion that Great Britain has not failed, by any act or omission, to fulfill any of the duties prescribed by the three rules of article VI in the Treaty of Washington, or by the principles of international law not inconsistent therewith.

And so far as relates to the vessels called the Sallie, the Jefferson Davis, the Music, the Boston, and the V. H. Joy, respectively, the tribunal is unanimously of opinion that they ought to be excluded from consideration for want of evidence.

And whereas, so far as relates to the particulars of the indemnity claimed by the United States, the costs of pursuit of the Confederate cruisers, are not, in the judgment of the tribunal, properly distinguishable from the general expenses of the war carried on by the United States. The tribunal is, therefore, of opinion, by a majority of three to two voices, that there is no ground for awarding to the United States any sum by way of indemnity under this head.

And whereas prospective earnings cannot properly be made the subject of compensation, inasmuch as they depend in their nature upon future and uncertain contingencies, the tribunal is unanimously of opinion that there is no ground for awarding to the United States any sum by way of indemnity under this head.

And whereas, in order to arrive at an equitable compensation for the damages which have been sustained, it is necessary to set aside all double claims for the same losses, and all claims for "gross freights," so far as they exceed "net freights;"

And whereas it is just and reasonable to allow interest at a reasonable rate;

And whereas, in accordance with the spirit and letter of the treaty of Washington, it is preferable to adopt the form of adjudication of a sum in gross, rather than to refer the subject of compensation for further discussion and deliberation to a board of assessors, as provided by article X of the said treaty:

The tribunal, making use of the authority conferred upon it by article VII of the said treaty, by a majority of four voices to one, awards to the United States a sum of $15,500,000 in gold, as the indemnity to be paid by Great Britain to the United States, for the satisfaction of all the claims referred to the consideration of the tribunal, conformably to the provisions contained in article VII of the aforesaid treaty.

And, in accordance with the terms of article XI of the said treaty, the tribunal declares that "all the claims referred to in the treaty as submitted to the tribunal are hereby fully, perfectly, and finally settled."

Furthermore it declares, that "each and every one of the said claims, whether the same may or may not have been presented to the notice of, or made, preferred, or laid before the tribunal, shall henceforth be considered and treated as finally settled, barred, and inadmissible."

In testimony whereof this present decision and award has been made in duplicate, and signed by the arbitrators who have given their assent thereto, the whole being in exact conformity with the provisions of article VII of the said treaty of Washington.

Made and concluded at the Hotel de Ville of Geneva, in Switzerland, the 14th day of the month of September, in the year of our Lord one thousand eight hundred and seventy-two.

CHARLES FRANCIS ADAMS.
FREDERICK SCLOPIS.
STAMPFLI.
VICOMTE D'ITAJUBA.

Under the act approved June 23, 1874, creating a "Court of Commissioners of Alabama Claims," for the distribution of the award, its jurisdiction is thus defined in sections 11 and 12:

SEC. 11. That it shall be the duty of said court to receive and examine all claims admissible under this act that may be presented to it, directly resulting from damage caused by the so-called insurgent cruisers Alabama, Florida, and their tenders, and also all claims admissible under this act directly resulting from damage caused by the so-called insurgent cruiser Shenandoah after her departure from Melbourne on the eighteenth day of February, eighteen hundred and sixty-five, and to decide upon the amount and validity of such claims, in conformity with the provisions hereinafter contained, and according to the principles of law and the merits of the several cases. All claims shall be verified by oath of the claimant, and filed in said court within six months next after the organization thereof, as provided in section eight of this act; and no claim shall be received, docketed, or considered that shall have not been so filed within the time aforesaid;

but every such unrepresented claim shall be deemed and held to be finally and conclusively waived and barred.

SEC. 12. That no claim shall be admissible or allowed by said court for any loss or damage for or in respect to which the party injured, his assignees or legal representatives, shall have received compensation or indemnity from any insurance company, insurer, or otherwise; but if such compensation or indemnity so received shall not have been equal to the loss or damage so actually suffered, allowance may be made for the difference. And in no case shall any claim be admitted or allowed for or in respect to unearned freights, gross freights, prospective profits, freights, gains, or advantages, or for wages of officers or seamen for a longer time than one year next after the breaking up of a voyage by the acts aforesaid. And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show, to the satisfaction of said court, that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss. And no claim shall be admissible or allowed by said court arising in favor of any insurance company not lawfully existing at the time of the loss under the laws of some one of the United States. And no claim shall be admissible or allowed by said court arising in favor of any person not entitled at the time of his loss to the protection of the United States in the premises, nor arising in favor of any person who did not at all times during the late rebellion bear true allegiance to the United States.

Provision is made for retaining in the Treasury, as a special fund, subject to future action, the amount which may be undisposed of under this act. And if the sum of all the judgments rendered by the court, together with interest, should exceed the amount of the award, provision is made for ratable reductions of the judgment claims.

The San Juan Boundary Award.

We, William, by the grace of God, German Emperor, King of Prussia, &c., &c., &c.

After examination of the treaty concluded at Washington on the *6th of May, 1871, between the governments of Her Britannic Majesty and of the United States of America, according to which the said governments have submitted to our arbitrament the question at issue between them, whether the boundary line which, according to the treaty of Washington of June 15, 1846, after being carried westward along the forty-ninth parallel of northern latitude to the middle of the channel which separates the continent from Vancouver's Island is thence to be drawn southerly through the middle of the said channel and of the Fuca straits to the Pacific ocean, should be drawn through the Rosario channel as the government of her Britannic Majesty claims, or through the Haro channel as the Government of the United States claims; to the end that we may finally and without appeal decide which of these claims is most in accordance with the true interpretation of the treaty of June 15, 1846.

After hearing the report made to us by the experts and jurists upon the contents of the interchanged memorials and their appendices—

Have decreed the following award:

Most in accordance with the true interpretations of the treaty concluded on the 15th of June, 1846, between the governments of Her Britannic Majesty and of the United States of America, is the claim of the Government of the United States that the boundary line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro channel.

Authenticated by our autographic signature and the impression of the imperial green seal.

Given at Berlin, October the 21st, 1872.

[L. S.] WILLIAM.

*Sic in original May 8th.

XIX.

MISCELLANEOUS.

Universal Amnesty and Test-Oath.

FORTY-THIRD CONGRESS, FIRST SESSION.

1873, Dec. 8—Mr. MAYNARD moved that the rules be suspended, so as to enable him to report from the Committee on Rules, and the House to pass the following bill:

Be it enacted, &c. (two-thirds of each House concurring therein,) That all disabilites imposed and remaining upon any person by virtue of section three of article fourteen of the amendments to the Constitution of the United States be, and the same are hereby, removed.

SEC. 2. That the act of July second, eighteen hundred and sixty-two, entitled "An act to prescribe an oath of office, and for other purposes," be, and it is hereby, repealed. And hereafter every person elected or appointed to any office of honor or profit under the Government of the United States, either in the civil, military, or naval departments of the public service, shall, before entering upon the duties of such office,

and being entitled to any of the salary or other emoluments thereof take and subscribe the oath prescribed by the act of July eleventh, eighteen hundred and sixty-eight, entitled "An act prescribing an oath of office to be taken by persons from whom legal disabilities shall have been removed."

The motion was agreed to, two-thirds voting in favor thereof, (yeas 141, nays 29,) on a division, and so the bill was passed.

IN SENATE.

1873, Dec. 10—The bill, (H. R. 472) granting general amnesty and prescribing an oath of office was read, and passed to a second reading. No further action was taken.

A large number of bills were passed, relieving the persons named in them of their disabilities.

Proposed Amendment of the Constitution.

This report was made after chapter V was stereotyped:

1874, June 22—Mr. H. BOARDMAN SMITH, from the Committee on Elections, reported a joint resolution, which was recommitted to the committee, proposing a new article:

ARTICLE —.

SECTION 1. The President and Vice President shall be elected by the direct vote of the people, in the manner following: Each State shall be divided into districts, equal in number to the number of Representatives to which the State may be entitled in Congress, to be composed of contiguous territory, and to be as nearly equal in population as may be; and the person having the highest number of votes in each district for President shall receive the vote of that district, which shall count one presidential vote; but no voter in any State shall vote for candidates for President and Vice President who are both citizens in the same State with himself.

SEC. 2. The person having the highest number of votes for President in a State, shall receive two presidential votes from the State at large.

SEC. 3. The person having the highest number of presidential votes in the United States shall be President.

SEC. 4. If two persons have the same number of votes in any State, it being the highest number, they shall receive each one presidential vote from the State at large; and if more than two persons shall have each the same number of votes in any State, it being the highest number, no presidential vote shall be counted from the State at large. If more persons than one shall have the same number of votes, it being the highest number in any district, no presidential vote shall be counted from that district.

SEC. 5. The foregoing provisions shall apply to the election of Vice President.

SEC. 6. The Congress shall have power to provide for holding and conducting the elections of President and Vice President. The returns of such elections shall be made to the Supreme Court of the United States within thirty days after the election. Said court shall, under such rules as may be prescribed by law, or by the court in the absence of law, determine any contest in respect of such returns, canvass the same, and declare, within ninety days after such election, by public proclamation, who is elected President and who is elected Vice President.

SEC. 7. The States shall be divided into districts by the Legislatures thereof, but the Congress may at any time by law make or alter the same.

SEC. 8. No person who has been a justice of the Supreme Court shall be eligible to the office of President or Vice President.

Interpretation of the Fourteenth Amendment. Forty-First Congress, Second Session.

1870, May 20—Mr. EDMUNDS, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom was referred the petition of citizens of Rhode Island, setting forth, by reference, the 14th and 15th articles of amendment to the Constitution of the United States, and stating that "the State of Rhode Island, notwithstanding the provisions of the above named amendments, persists in and by the first section of article 2 of the constitution of said State, in denying and abridging the right of about ten thousand citizens of the United States to vote at any and all elections holden in said State," and praying that Congress will "pass such appropriate legislation as may be found necessary to obtain for, and secure to, the citizens of the United States resident in Rhode Island all the rights, privileges, and immunities guaranteed to them by the Constitution of the United States," respectfully report:

That the constitution of Rhode Island, adopted in 1842, prescribes two alternative classes of qualifications for voting. The first gives to *all* male citizens of the United States of a certain age, &c., the right to vote, if they own real estate of the value of one hundred and thirty-four dollars, or which shall rent for seven dollars per annum. The second gives to every male *native* citizen of the United States of a certain age, &c., the right to vote, if he pays a tax of one dollar a year, &c., although he may not own real estate. No man or party has ever questioned the right of the people of Rhode Island, and of every other State, to establish such a constitution of government as may be agreeable to their views of the public welfare in that State, although its provisions as to suffrage may not conform to the opinions of citizens of other States. At the time when this constitution of Rhode Island was adopted the right to regulate the qualifications of voters belonged exclusively to the respective States. The petition under consideration fully recognizes this, but it raises the question (although studiously framed in such a manner as not to declare or insist upon such a conclusion) whether, by the fourteenth and fifteenth amendments to the Constitution of the United States, natives of foreign countries who have become citizens of the United States are not entitled to vote in Rhode Island, without regard to the qualifications imposed by her constitution?

The committee is unanimously of the opinion that this question must be answered in the negative.

The "privileges and immunities of citizens of the United States," mentioned in the petition as secured by the fourteenth amendment, do not include the right of suffrage. If they did, the right must necessarily exist in *all* citizens of the United States, from the mere fact of citizenship, without the power in any State or in Congress to abridge the same in any degree; and in such case, therefore, no qualification of any kind could be imposed, and all persons, (being citizens,) males and females, infants, lunatics, and criminals, without respect to age, length of residence, or any other thing, would be entitled to participate directly in all elections. Every provision in every State, which experience has proved to be essential to security and good order in society, would thereby be overthrown. It is enough to say that the rights secured by this amendment to the Constitution are of an altogether different character.

The fifteenth amendment does apply to rights of suffrage, and to those only. By it the State of Rhode Island, in common with every other State, is forbidden to deny or abridge the right of citizens of the United States "to vote on account of race, color, or previous condition of servitude." But, plainly, the constitution of Rhode Island does not preclude any citizen from voting on either or any of the grounds thus prohibited. No fact of race, or color, or previous servitude prevents any citizen from voting in Rhode Island. Neither of these qualities depends in any degree upon the *place of his nativity*. This seems too obvious to need discussion. It is also a fact, appearing in the public records of Congress, and doubtless known to petitioners, that when the fifteenth amendment was under consideration by Congress it was proposed to embrace in it a prohibition of any denial of suffrage on account of "nativity," and that this proposition was not agreed to, for the reason that Congress did not think it expedient to restrict the ancient powers of the States in these respects any further than appeared to be absolutely needful to secure to the whole people the great results of the overthrow of the rebellion.

The committee is, therefore, of opinion that there is nothing in the provisions of the constitution of Rhode Island referred to in conflict with the Constitution of the United States.

Whether these provisions are wise or right in themselves is a matter over which neither the committee nor Congress has any control. That subject belongs to the people of Rhode Island, who, it must be presumed, will correct any and all errors that may, from time to time, be found to exist in her internal affairs.

The Utah Bill.

IN HOUSE.

1874, June 2—Mr. POLAND, from the Judiciary Committee, reported back with amendments House bill 3097:

Be it enacted, &c., That it shall be the duty of the United States marshal of the Territory of Utah, in person or by deputy, to attend all sessions of the supreme and district courts in said Territory, and to serve and execute all process and writs issued out of, and all orders, judgments, and decrees made by said courts, or by any judge thereof, unless said court or judge shall otherwise order in any particular case. All process, writs, or other papers left with said marshal, or either of his deputies, shall be served without delay, and in the order in which they are received, upon payment or tender of his legal fees therefor; and it shall be unlawful for said marshal to demand or receive mileage for any greater distance than the actual distance by the usual routes from the place of service or execution of process, writ, or other paper, to the place of return of the same, except that when it shall be necessary to convey any person arrested by legal authority out of the county in which he is arrested, said marshal shall be entitled to mileage for the whole distance necessarily traveled in delivering the person so arrested before the court or officer ordering such arrest. Said marshal is hereby authorized to appoint as many deputies as may be necessary, each of whom shall have authority, in the name of said marshal, to perform any act with like effect and in like manner as said marshal; and the marshal shall be liable for all official acts of such deputies as if done by himself. Such appointment shall not be complete until he shall give bond to said marshal, with sureties, to be by him approved, in the penal sum of $10,000, conditioned for the faithful discharge of his duties; and he shall also take and subscribe the same oath prescribed by law to be taken by said marshal; and said appointment, bond, and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory. In actions brought against said marshal for the misfeasance or nonfeasance of any deputy, it shall be lawful for the plaintiff, at his option, to join the said deputy and the sureties on his bond with said marshal and his sureties. Any processes, either civil or criminal, returnable to the supreme or district courts, may be served in any county by the sheriff thereof or his legal deputy, and they may also serve any other processes which may be authorized by act of the territorial Legislature.

SEC. 2. That it shall be the duty of the United States attorney in said Territory, in person or by an assistant, to attend all the courts of record having jurisdiction of offenses as well under the laws of said Territory as of the United States, and perform the duties of prosecuting officer in all criminal cases arising in said courts; and he is hereby authorized to appoint as many assistants as may be necessary, each of whom shall subscribe the same oath as is prescribed by law for said United States attorney; and the said appointment and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory. The United States attorney shall be entitled to the same fees for services rendered by said assistants as he would be entitled to for the same services if rendered by himself. The territorial Legislature may provide for the election of a prosecuting attorney in any county; and such attorney, if authorized so to do by such Legislature, may commence prosecu-

tions for offenses under the laws of the Territory within such county, and if such prosecution is carried to the district court by recognizance or appeal, or otherwise, may aid in conducting the prosecution in such court. And the costs and expenses of all prosecutions for offenses against any law of the territorial Legislature shall be paid out of the treasury of the Territory.

SEC. 3. That there shall be held in each year two terms of the Supreme Court of said Territory, and four terms of each district court, at such times as the Governor of the Territory may by proclamation fix. The district courts shall have exclusive original jurisdiction in all suits or proceedings in chancery, and in all actions at law in which the sum or value of the thing in controversy shall be $300 or upward, and in all controversies where the title, possession, or boundaries of land, or mines or mining claims shall be in dispute, whatever their value, except in actions for forcible entry or forcible or unlawful detainer; and they shall have jurisdiction in suits for divorce. When a bill is filed by a woman to declare a marriage or pretended marriage void, on account of a previous subsisting marriage of the defendant to another woman, the court or judge thereof may grant such reasonable sum for alimony and counsel fees as the circumstances of the case will justify; and may likewise, by final decree, make such allowance for the maintenance of the complainant and her children by the defendant as may be just and reasonable. And whenever, in any proceeding for divorce, or in any civil cause, or in any criminal prosecution, it is necessary to prove the existence of the marriage relation between two persons, it shall not be necessary to prove the same by the production of any record or certificate of the marriage, but evidence of cohabitation between the parties as husband and wife, and the acts, conduct, declarations, and admissions of the parties shall be admissible, and the marriage may be established like any question of fact. Probate courts, in their respective counties, shall have jurisdiction in the settlement of the estates of decedents, and in matters of guardianship and other like matters; but otherwise they shall have no civil, chancery, or criminal jurisdiction whatever; they shall have jurisdiction of suits of divorce for statutory causes concurrently with the district courts; but any defendant in a suit for divorce commenced in a probate court shall be entitled, after appearance and before plea or answer, to have said suit removed to the district court having jurisdiction, when said suit shall proceed in like manner as if originally commenced in said district court. All judgments and decrees heretofore rendered by the probate courts which have been executed, and the time to appeal from which has by the existing laws of said Territory expired, are hereby validated and confirmed. The jurisdiction heretofore conferred upon justices of the peace by the organic act of said Territory is extended to all cases where the debt or sum claimed shall be less than $300. From all final judgments of justices of the peace an appeal shall be allowed to the district courts of their respective districts, in the same manner as is now provided by the laws of said Territory for appeals to the probate courts; and from the judgments of the probate courts an appeal shall lie to the district court of the district embracing the county in which such probate court is held in such cases and in such manner as the Supreme Court of said Territory may, by general rules framed for that purpose, specify and designate, and such appeal shall vacate the judgment appealed from, and the case shall be tried *de novo* in the appellate court. Appeals may be taken from both justices' and probate courts to the district court of their respective districts in cases where judgments have been heretofore rendered and remain unexecuted; but this provision shall not enlarge the time for taking an appeal beyond the periods now allowed by the existing laws of said Territory for taking appeals. Whenever the condition of the business in the district court of any district is such that the judge of the district is unable to do the same, he may request the judge of either of the other districts to assist him, and, upon such request made, the judge so requested may hold the whole or part of any term, or any branch thereof, and his acts as such judge shall be of equal force as if he were duly assigned to hold the courts in such district.

SEC 4. That within sixty days after the passage of this act, and in the month of January annually thereafter, the clerk of the district court in each judicial district, and the judge of probate of the county in which the district court is next to be held, shall prepare a jury list from which grand and petit jurors shall be drawn, to serve in the district courts of such district, until a new list shall be made as herein provided. Said clerk and probate judge shall alternately select the name of a male citizen of the United States who has resided in the district for the period of six months next preceding, and who can read and write in the English language; and, as selected, the name and residence of each shall be entered upon the list, until the same shall contain two hundred names, when the same shall be duly certified by such clerk and probate judge; and the same shall be filed in the office of the clerk of such district court, and a duplicate copy shall be made and certified by such officers, and filed in the office of said probate judge. Whenever a grand or petit jury is to be drawn to serve at any term of a district court, the judge of such district shall give public notice of the time and place of the drawing of such jury, which shall be at least twelve days before the commencement of such term; and on the day and at the place thus fixed, the judge of such district shall hold an open session of his court, and shall preside at the drawing of such jury; and the clerk of such court shall write the name of each person on the jury lists returned and filed in his office upon a separate slip of paper, as nearly as practicable of the same size and form, and all such slips shall, by the clerk in open court, be placed in a covered box, and thoroughly mixed and mingled; and thereupon the United States marshal, or his deputy, shall proceed to fairly draw by lot from said box such number of names as may have previously been directed by said judge; and if both a grand and a petit jury are to be drawn, the grand jury shall be drawn first; and when the drawing

shall have been concluded, the clerk of the district court shall issue a *venire* to the marshal or his deputy, directing him to summon the persons so drawn, and the same shall be duly served on each of the persons so drawn at least seven days before the commencement of the term at which they are to serve; and the jurors so drawn and summoned shall constitute the regular grand and petit juries for the term for all cases. And the names thus drawn from the box by the clerk shall not be returned to or again placed in said box until a new jury list shall be made. If during any term of the district court any additional grand or petit jurors shall be necessary, the same shall be drawn from said box by the United States marshal in open court; but if the attendance of those drawn cannot be obtained in a reasonable time, other names may be drawn in the same manner. Each party, whether in civil or criminal cases, shall be allowed three peremptory challenges; and in the trial of any prosecution for adultery, bigamy, or polygamy, it shall be a good cause of principal challenge to any juror that he practices polygamy, or that he believes in the rightfulness of the same. In criminal cases, the court, and not the jury, shall pronounce the punishment under the limitation prescribed by law. The grand jury must inquire into the case of every person imprisoned within the district on a criminal charge and not indicted; into the condition and management of the public prisons within the district; and into the willful and corrupt misconduct in office of public officers of every description within the district; and they are also entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the district.

SEC. 5. That there shall be appointed by the Governor of said Territory one or more notaries public for each organized county, whose term of office shall be two years, and until their successors shall be appointed and qualified. The act of the Legislative Assembly of the Territory of Utah entitled "An act concerning notaries public," approved January 17, 1866, is hereby approved, except the first section thereof, which is hereby disapproved: *Provided*, That wherever in said act the words "probate judge" or "clerk of the probate court" are used, the words "secretary of the Territory" shall be substituted.

SEC. 6. That the Supreme Court of said Territory is hereby authorized to appoint commissioners of said court, who shall have and exercise all the duties of commissioners of the circuit courts of the United States, and to take acknowledgments of bail, &c.; and, in addition, they shall have the same authority as examining and committing magistrates in all cases arising under the laws of said Territory as is now possessed by justices of the peace in said Territory.

SEC. 7. That the common law of England, as the same is defined and modified by the courts of last resort in those States of the United States where the common law prevails, shall be the rule of decision in all the courts of said Territory so far as it is not repugnant to or inconsistent with the Constitution and laws of the United States and the existing statutes of said Territory.

SEC. 8. That the act of the territorial Legislature of the Territory of Utah entitled "An act in relation to marshals and attorneys," approved March 3, 1852, and all laws of said Territory inconsistent with the provisions of this act, are hereby disapproved. The act of the Congress of the United States entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, is extended over and shall apply to the fees of like officers in said Territory of Utah.

Mr. CESSNA offered the following substitute for the fourth section:

SEC. 4. That whenever a judge of any district court of said Territory shall determine that a grand or petit jury will be needed at a term of such court, the said judge, the clerk of such court, and the United States marshal shall, without regard to the religious, political, or social opinions of such citizens, make a list in writing of two hundred male citizens of the United States above the age of twenty-one years, who shall have been residents in such district for a period of six months next previously, and shall affix thereto their certificate to the effect that the same is the list from which the grand and petit jurors are to be drawn for the terms of such court to be holden within the year next following, and shall cause the same to be filed in the office of the clerk of said court; and whenever the judge shall order the clerk to issue a *venire*, the clerk, in the presence of the said judge and marshal, or his deputy, shall write the names contained in the said list each on a separate slip of paper, all the slips being of the same size and kind, and shall fold them uniformly, so that the name written thereon shall be concealed, and shall then place them in a covered box and thoroughly mix and mingle them, and shall then not select, but shall draw, as by lot, therefrom the requisite number of names. If a grand jury be required, it shall be drawn first, and consist of the number before provided. The number of petit jurors thus drawn shall be such as, in the opinion of such judge, is needful to discharge the entire jury duty for such term, so that there shall always be three more jurors than the number required for each separate panel; and the panel in each trial shall be twelve men. The clerk shall make a list in writing of the names of the persons so drawn, and the clerk and the marshal shall affix thereto their certificates of the time and place of such drawing, and file the same in the office of said clerk, who shall forthwith issue a *venire* to the said marshal, commanding him to summon the persons so drawn to attend and serve as such jurors at the time and place previously designated by the said judge, and such jurors shall constitute the regular jurors for such term of the court for all cases, whether arising under the laws of the United States or under the laws of said Territory. If at any time a talesman or talesmen shall be required, his or their names shall be drawn from the said box by the clerk in open court, and if the attendance of such juror or jurors cannot be procured in a reasonable time other names shall be drawn, and so from time to time until the jury is obtained. No challenge shall be allowed on the ground that a juror had been summoned or had served at a previous term

of court. Each party, whether in civil or criminal cases, shall be allowed three peremptory challenges; and in the trial of any prosecution for adultery, bigamy, or polygamy, it shall be a good cause of principal challenge to any juror that he practices polygamy, or that he believes in the rightfulness of the same. In criminal cases the court, and not the jury, shall pronounce the punishment under the limitation prescribed by law. The grand jury must inquire into the case of every person imprisoned within the district on a criminal charge and not indicted; into the condition and management of the public prisons within the district; and into the willful and corrupt misconduct of officers of every description within the district; and they are also entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the district.

Mr. BARBER moved to amend the committee's bill by adding to the last section these words:

But the district attorney shall not, by fees and salary together, receive more than $3,500 per year; and all fees or moneys received by him above said amount shall be paid into the Treasury of the United States.

Mr. CESSNA's amendment was disagreed to.

Mr. BARBER's amendment was agreed to.

The bill then passed—yeas 159, nays 55,

YEAS—Messrs. Albright, *Ashe*, *Barnum*, Barrere, Barry, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, R. R. Butler, Cain, Cannon, Cason, Cessna, A. Clark, F. Clarke, Clements, S. A. Cobb, Coburn, *Comingo*, Conger, Corwin, Cotton, Crocker, Crutchfield, Danford, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, *Glover*, Gooch, Gunckel, Hagans, E. Hale, Harmer, B. W. Harris, *J. T. Harris*, Harrison, *Hatcher*, Havens, J. B. Hawley, J. R. Hawley, G. W. Hazelton, J. W. Hazelton, Hendee, E. R Hoar, Hodges, Hoskins, Houghton, Howe, Hunter, *Hunton*, Hurlbut, Hyde, Kasson, Kelley, Kellogg, *Kendall*, *Knapp*, Lansing, Lawrence, Lawson, B. Lewis, Loughridge, Lowe, Lowndes, *Luttrell*, J. R. Lynch, Martin, Maynard, McCrary, A. S. McDill, J. W. McDill, MacDougall, McKee, *McLean*, McNulta, Merriam, *Mitchell*, Monroe, W. S. Moore, L. Myers, *Neal*, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, I. C. Parker, Pendleton, *E. Perry*, Phillips, Pierce, Pike, T. C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, J. B. Rice, Richmond, *Robbins*, E. H. Roberts, J. W. Robinson, Rusk, Sawyer, H. B. Sayler, H. J. Scudder, I. W. Scudder, Sessions, Shanks, Sheldon, L. D. Shoemaker, Small, A. H. Smith, H. B. Smith, J. Q. Smith, Sprague, Starkweather, St. John, *Storm*, Strait, Strawbridge, Taylor, C. R. Thomas, Thornburg, Todd, W. Townsend, Tremain, *Vance*, Waldron, Wallace, Walls, J. D. Ward, Wheeler, White, *Whitehead*, WHITEHOUSE, C. W. Willard, G. Willard, C. G. Williams, J. M. S. Williams, Williams of Indiana, J. Wilson, *Wolfe*, Woodworth—159.

NAYS—Messrs. *Adams*, *Arthur*, *Atkins*, Barber, *J. B. Beck*, *H. P. Bell*, *Berry*, *Bland*, *Blount*, *Bowen*, *Bright*, BROMBERG, *Brown*, *Buckner*, *J. H. Caldwell*, *J. B. Clark*, *Clymer*, *Cook*, *Cox*, *Crittenden*, Crounse, *De Witt*, *Durham*, *Eden*, *Eldredge*, *Giddings*, *Hancock*, *H. R. Harris*, *Hereford*, *Herndon*, *Holman*, *Lamar*, *Lamison*, *Leach*, *Magee*, *Marshall*, *Milliken*, *Mills*, *W. E. Niblack*, *Potter*, *Randall*, *M. Sayler*, Sheats, *Sloss*, J. A. Smith, *Southard*, *Speer*, *Standeford*, *Stone*, C. Y. Thomas, *Wells*, *Whitthorne*, *Willie*, *E. K. Wilson*, *J. D. Young*—55.

IN SENATE.

June 23—The Judiciary Committee proposed to amend by striking out section 7 and inserting the following:

SEC. 7. That the common law of England, as the same is defined and modified by the courts of last resort in those States of the United States where the common law prevails, shall be the rule of decision in all the courts of said Territory, so far as it is not repugnant to or inconsistent with the Constitution and laws of the United States and the existing statutes of said Territory.

The amendment was agreed to.

Mr. FRELINGHUYSEN moved to add after the word "appeals," nearest to the end of sec. 3, the words: "A writ of error from the Supreme Court of the United States to the supreme court of the Territory shall lie in criminal cases where the accused shall have been sentenced to capital punishment or convicted of bigamy or polygamy."

Which was agreed to.

Mr. SARGENT moved to strike out of section 3 the following words:

"When a bill is filed by a woman to declare a marriage or pretended marriage void, on account of a previous subsisting marriage of the defendant to another woman, the court or judge thereof may grant such reasonable sum for alimony and counsel fees as the circumstances of the case will justify; and may likewise, by final decree, make such allowance for the maintenance of the complainant and her children by the defendant as may be just and reasonable. And whenever, in any proceeding for divorce, or in any civil cause, or in any criminal prosecution, it is necessary to prove the existence of the marriage relation between two persons, it shall not be necessary to prove the same by the production of any record or certificate of the marriage, but evidence of cohabitation between the parties as husband and wife, and the acts, conduct, declarations, and admissions of the parties shall be admissible, and the marriage may be established like any question of fact."

Which was agreed to.

Mr. SARGENT moved to add after the words "district court"—ending a sentence below the middle of section 3—the following:

"Nothing in this act shall be construed to impair the authority of probate courts to enter land in trust for the use and benefit of the occupants of towns in the various counties of the Territory of Utah, according to the provisions of an act for the relief of inhabitants of cities and towns upon public lands, approved March 2, 1867, and an act to amend an act entitled 'An act for the relief of inhabitants of cities and towns upon public lands,' approved June 8, 1868, or to discharge the duties assigned to the

probate judges by an act of the Legislative Assembly of the Territory of Utah, entitled 'An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled 'An act for the relief of the inhabitants of the cities and towns upon the public lands."

Which was agreed to.

Mr. SARGENT moved to strike out of section 4 the words:

"And in the trial of any prosecution for adultery, bigamy, or polygamy, it shall be a good cause of principal challenge to any juror that he practices polygamy, or that he believes in the rightfulness of the same."

Which was agreed to.

Mr. SARGENT moved to insert (section 4) after the words: "Each party, whether in civil or criminal cases, shall be allowed three peremptory challenges," the words "except in capital cases, where the prosecution and defense shall each be allowed fifteen challenges;" which was agreed to.

As thus amended the bill subsequently passed the Senate; the House concurred in the amendments, and the bill was signed by the PRESIDENT.

Admission of Colorado.

IN HOUSE.

1874, June 8—Mr. CHAFFEE moved that the rules be suspended and the bill (H. R. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, be passed.

The rules were suspended and the bill passed—yeas 171, nays 66, not voting 52:

YEAS—Messrs. *Adams*, *Arthur*, *Ashe*, Averill, BANNING, Barber, Barrere, Begole, *Berry*, *Bland*, Bradley, *Bright*, *Buckner*, Buffinton, Bundy, Burchard, Burrows, R. R. Butler, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, F. Clarke, Clements, S. A. Cobb, Coburn, Conger, *Cook*, Corwin, Cotton, *Crittenden*, Crocker, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, *Eden*, Farwell, Field, Fort, C. Foster, Freeman, Frye, *Glover*, Gooch, Hagans, *Hancock*, B. W. Harris, Harrison, *Hatcher*, Hathorn, Havens, J. B. Hawley, J. R. Hawley, Hays, G. W. Hazelton, J. W. Hazelton, Hendee, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, HYNES, Kasson, Kelley, Kellogg, *Kendall*, *Knapp*, *Lamison*, Lamport, Lansing, Lawrence, *Leach*, Lofland, Loughridge, Lowe, Lowndes, *Luttrell*, J. R. Lynch, *Marshall*, Martin, McCrary, A. S. McDill, MacDougall, McKee, Merriam, *Mills*, Monroe, W. S. Moore, Morey, *Morrison*, *Nesmith*, Nunn, O'Neill, Orr, Packard, Packer, Page, I. C. Parker, Pendleton, Pike, J. H. Platt, T. C. Platt, Poland, Pratt, Purman, Rainey, Rapier, Ray, J. B. Rice, Richmond, *J. C. Robinson*, J. W. Robinson, Ross, Rusk, Sawyer, H. B. Sayler, H. J. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, L. D. Shoemaker, Sloan, *Sloss*, Small, A. H. Smith, G. L. Smith, H. B. Smith, W. A. Smith, Snyder, Stanard, Starkweather, *Stone*, Stowell, Strait, Strawbridge, C. Y. Thomas, Thornburgh, Tremain, Tyner, *Vance*, Waldron, Wallace, Walls, J. D. Ward, *Wells*, White, *Whitehead*, Whiteley, G. Willard, C. G. Williams, J. M. S. Williams, Williams of Indiana, W. B. Williams, J. Wilson, Woodford—171.

NAYS—Messrs. Albert, Albright, *Archer*, *Atkins*, *J. B. Beck*, *H. P. Bell*, Biery, *Blount*, *Bowen*, BROMBERG, *Brown*, Burleigh, *Clymer*, *Cox*, *Creamer*, *Crossland*, *J. J. Davis*, *Durham*, *Eldredge*, *Giddings*, Gunckel, *Hamilton*, *H. R. Harris*, *J. T. Harris*, *Hereford*, *Herndon*, E. R. Hoar, Hooper, *Hunton*, *Jewett*, Killinger, *Lamar*, Lawson, *Magee*, *McLean*, *Milliken*, *Neal*, *W. E. Niblack*, Niles, *O'Brien*, Orth, *E. Perry*, Phelps, Pierce, *Randall*, *Read*, E. H. Roberts, I. W. Scudder, Smart, J. Q. Smith, *Southard*, *Speer*, Sprague, *Standeford*, *Storm*, *Swann*, Todd, W. Townsend, Wheeler, WHITEHOUSE, *Whitthorne*, C. W. Willard, *Willie*, J. M. Wilson, Woodworth, *J. D. Young*—66.

Admission of New Mexico.

IN HOUSE.

1874, May 21—The House, as per order, proceeded to consider the bill (H. R. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

After debate, engrossment, and third reading, the bill was passed—yeas 160, nays 54, not voting 76:

YEAS—Messrs. *Adams*, *Archer*, *Arthur*, *Atkins*, Averill, BANNING, Barrere, Barry, Biery, *Bowen*, Bradley, *Bright*, *Buckner*, Bundy, Burchard, Burrows, R. R. Butler, Cain, *J. H. Caldwell*, Cannon, Cason, Cessna, A. Clark, *J. B. Clark*, Clements, S. A. Cobb, Coburn, Conger, *Cook*, Corwin, Cotton, *Crittenden*, *Crossland*, Crounse, Crutchfield, Curtis, Danford, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, *Eden*, Farwell, Fort, C. Foster, Freeman, Frye, Garfield, *Giddings*, *Glover*, Gunckel, *Hancock*, Harmer, B. W. Harris, Harrison, *Hatcher*, Hathorn, Havens, J. B. Hawley, Hays, J. W. Hazelton, Hendee, *Herndon*, Hoskins, Houghton, Hubbell, Hunter, *Hunton*, Hurlbut, Hyde, Kasson, Kellogg, *Kendall*, *Knapp*, Lamport, Lansing, Lawrence, *Leach*, Loughridge, Lowe, Lowndes, J. R. Lynch, McCrary, A. S. McDill, J. W. McDill, MacDougall, McKee, McNulta, *Mills*, Monroe, W. S. Moore, Morey, *Morrison*, *Nesmith*, O'Neill, Orr, Orth, Packard, Page, I. C. Parker, Pelham, Pendleton, *E. Perry*, Pike, T. C. Platt, Poland, Pratt, Purman, Rainey, Rapier, Ray, *Robbins*, *J. C. Robinson*, Ross, Rusk, Sawyer, H. B. Sayler, *J. G. Schumaker*, Sessions, Shanks, Sheats, Sheldon, I. R. Sherwood, L. D. Shoemaker, Sloan, Small, A. H. Smith, G. L. Smith, H. B. Smith, J. A. Smith, W. A. Smith, Stanard, *Standeford*, Starkweather, St. John, *Stone*, Stowell, Strait, Thornburgh, W. Townsend, Tyner, *Vance*, *Waddell*, Wallace, Walls, M. L. Ward, White, *Whitehead*, WHITEHOUSE, Whiteley, *Whitthorne*, Wilber, G. Willard, Williams of Indiana, W. B. Williams, Wilshire, J. Wilson, *P. M. B. Young*—160.

NAYS—Messrs. Albert, Albright, *Ashe*, Barber, *J. B. Beck*, *H. P. Bell*, *Bland*, *Blount*, BROMBERG, Buffinton, *Clymer*, *Comingo*, *Cox*, Darrall, *Durham*, Gooch, E. Hale, *H. R. Harris*, *J. T.*

Harris, Hereford, E. R. Hoar, *Holman*, Killinger, *Lamar*, Lawson, B. Lewis, *Magee, McLean*, Merriam, *Milliken, Mitchell, W. E. Niblack*, Niles, *H. W. Parker*, Parsons, Phelps, J. H. Platt, *Potter, Randall*, E. H. Roberts, I. W. Scudder, Sener, J. Q. Smith, *Speer*, Sprague, *Storm*, Strawbridge, C. Y. Thomas, Todd, Tremain, C. W. Willard, *Wolfe, Wood, J. D. Young*—54.

Cost of Public Improvements.

[From report of Senate Committee on Transportation, No. 307, Part 1, 1st sess. 43d Cong., p. 184.]

PUBLIC BUILDINGS AT WASHINGTON.

The amount of money expended by the Government of the United States in the erection of permanent public buildings in the District of Columbia, from the time the seat of Government was located at Washington to the close of the fiscal year June 30, 1873, was, for the Capitol, about $12,000,000; Treasury, about $6,000,000; Interior, about $4,000,000; Post Office, about $2,000,000; President's House, $300,000; Agricultural Department, $200,000; New State Department, $1,300,000. Total, $25,800,000.

IN THE STATES.

The amount expended by the United States Government for custom-houses, post offices, and court-houses, from the adoption of the Constitution to June 30, 1873, was, in Maine, $1,961,595; New Hampshire, $173,671; Vermont; $214,534; Massachusetts, $3,602,360; Rhode Island, $315,290; Connecticut, $240,373; New York, $9,634,695; New Jersey, $250,263; Pennsylvania, $2,583,016; Delaware, $11,128; Maryland, $1,185,620; Virginia, $876,596; North Carolina, $217,459; South Carolina, $2,767,945; Alabama, $493,880; Georgia, $283,474; Florida, $103,478; Mississippi, $24,000; Louisiana, $3,806,678; Texas, $114,360; Arkansas, $103; Missouri, $775,223; Kentucky, $287,790; Tennessee, $317,486; Ohio, $682,745; Indiana, $456,746; Illinois, $2,574,415; Michigan, $228,505; Wisconsin, $566,592; Iowa, $477,393; Minnesota, $543,695; Kansas, $49,545; California, $890,199; Oregon, $435,805; Nebraska, $299,996; West Virginia, $94. Total, $37,476,747.

IN THE TERRITORIES.

New Mexico, $99,650; Utah, $68,254; Washington, $27,650; Colorado, $90,723; Idaho, $40,240; Montana, $41,575; Wyoming, $37,455. Total, $405,547. Total for States and Territories, $37,822,294.

MARINE HOSPITALS, LIGHT-HOUSES, &c.

Amount expended by General Government in each State and Territory, from adoption of Constitution, to June 30, 1873, for marine hospitals, light-houses, beacons, and fog-signals: In Maine, $766,755; New Hampshire, $122.465; Vermont, $84,125; Massachusetts, $1,535,487; Rhode Island, $305,316; Connecticut, $467,925; New York, $1,580,639; New Jersey, $423,071; Pennsylvania, $204,865; Delaware, $343 843; Maryland, $358,314; Virginia, 425,416; North Carolina, $852,407; South Carolina, $278,289; Georgia, $298,623; Alabama, $298,623; Florida, $1,498,488; Mississippi, $248,209; Louisiana, $1,603,453; Texas, $241,005; Arkansas, $59,081; Missouri, $87,647; Kentucky, $135,948; Tennessee, ———; Ohio, $765,961; Indiana, $86-892; Illinois, $681,989; Michigan, $1,879,350; Wisconsin, $284,657; Iowa, $28,446; Minnesota, $14,847; Kansas, ———; California, $628,196; Oregon, $212,249; Nebraska, ———; West Virginia, ———; Washington Territory, $153, 558. Total, $16,937,115.

RIVER AND HARBOR IMPROVEMENTS.

Amount expended by General Government for improvement of rivers and harbors in each State and Territory, from the adoption of the Constitution, to June 30,1873:

Atlantic Coast—Maine, $746,152; New Hampshire, $23.000; Massachusetts, $1.621,235; Rhode Island, $286,485; Connecticut, $563,407; New York, $1,249,500; New Jersey, $95,963; Pennsylvania, $208,894; Delaware, $2,653,102; Maryland, $522,359; Virginia, $424,422; North Carolina, $740,377; South Carolina, $88,254; Georgia, $321,023; Florida, $43,000. Total, $9,587,173.

Gulf Coast—Florida, $103,730; Alabama, $312,476; Mississippi, $30,500; Louisiana, $25,000; Texas, $108,000. Total, $579,706.

Pacific Coast—California, $326,500; Oregon, $202,314; Washington Territory, $109,189. Total, $638,003.

Northern Lakes—Vermont, $304,357; New York, $3,814,314; Pennsylvania, $330,942; Ohio, $1,292,794; Michigan, $2,213,100; Indiana, $320,734; Illinois, $821,305; Wisconsin, $1,229,612; Minnesota, $110,000. Total, $10,437,158.

Western Rivers—Pennsylvania, ——; Ohio, ——; Kentucky, $30,000; Tennessee, $292,947; Indiana, $35,000; Illinois, $73,000; Wisconsin, $240,000; Minnesota, $72,500; Iowa, $29,500; Missouri, $115,000; Kansas, ——; Arkansas, $256,500; Nebraska, ——; Mississippi, $5,000; West Virginia, $5,000; Louisiana, $805,847; Texas, $20,000; improvements of rivers, chargeable to the several States, $9,458,006. Total, $11,438,300.

Total for rivers and harbors, $32,680,340; total for rivers and harbors, light-houses, marine hospitals, custom-houses, post offices, and court-houses, $87,499,749; total for public buildings in District of Columbia and for other purposes, $113,299,749.

Civil Service.

IN HOUSE.

The Committee on Appropriations reported no appropriation in the sundry civil appropriation bill for continuing the duties of the civil service commissioners. An amendment offered in Committee of the Whole appropriating twenty-five thousand dollars failed. The following amendment was agreed to in Committee of the Whole and concurred in by the House:

SEC. 2. That section nine of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-two," approved March third, eighteen hundred and seventy-one, authorizing the President to employ suitable persons to conduct certain inquiries, and to pre-

scribe their duties in respect to appointments in the civil service be, and the same is hereby, repealed; and the unexpended balance of any appropriation heretofore made for carrying the same into effect shall be covered into the Treasury; that in all the bureaus and in all the departments at Washington, whenever there shall be a number of applicants for employment therein, a soldier or sailor who fought in the line of duty in war, a soldier's or sailor's widow, wife, daughter, and mother, respectively, being such applicant, shall have preference in the employments suited to each respectively, and the same rule shall be observed whenever discharges shall take place in the several departments and bureaus by reason of diminution of force therein respectively: *Provided*, That two persons of the relationship above stated, either by blood or marriage, shall not have employment in any of said departments or bureaus at the same time; and it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and publish rules for ascertaining the qualifications of applicants for appointments at his disposal, or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States, or the widow, wife, daughter, sister, or mother of such soldier, sailor, or marine. And it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts, and with reference to their population; and upon the removal of any appointee, the reason for such removal shall be stated on the records of the department where the service was rendered.

In Senate.

An amendment appropriating fifteen thousand dollars for the civil service commission was inserted. The House non-concurred, *pro forma*, in all of the Senate amendments; and the committee of conference, which consisted of Messrs. Morrill of Maine, Sargent, and Stevenson, on the part of the Senate, and Messrs. Garfield, Hale of Maine, and Niblack, on the part of the House, reported that on this question they could not agree, and the sections were both dropped, leaving no appropriation for the purpose.

XX.

STATISTICAL TABLES.

A.—Public Debt of the United States.

[From the statement of the Secretary of the Treasury, made June 30, 1874.]

		Principal.	Interest.	Totals.
Debt bearing interest in coin—				
Bonds at 6 per cent	$1,213,624,700 00			
Bonds at 5 per cent	510,628,050 00			
Bonds at 4½ per cent				
Bonds at 4 per cent				
		$1,724,252,750 00	$38,463,440 86	
Debt bearing interest in lawful money—				
Certificates of indebtedness at 4 per cent	678,000 00			
Navy Pension Fund, at 3 per cent	14,000,000 00			
		14,678,000 00	219,140 00	
Debt on which interest has ceased since maturity		3,216,590 26	226,671 77	
Debt bearing no interest—				
Old demand and legal-tender notes	382,076,732 50			
Certificates of deposit	58,760,000 00			
Fractional currency	45,881,295 67			
Coin certificates	22,825,100 00			
		509,543,128 17		
Unclaimed interest			29,834 84	
Total debt		2,251,690,468 43	38,939,087 47	$2,290,629,555 90
Cash in the Treasury—Coin			74,205,304 12	
Currency			14,576,010 62	
Special deposit held for redemption of certificates of deposit as provided by law			58,760,000 00	
				147,541,314 74
Debt, less cash in the Treasury, July 1, 1874				2,143,088,241 16
Debt, less cash in the Treasury, June 1, 1874				2,145,268,438 10
Decrease of debt during the past month				2,180,196 94
Decrease of debt since June 30, 1873				4,730,472 41
Decrease of debt from March 4, 1869, to July 1, 1874, as per additional statement from the Secretary of the Treasury				382,375,018 85

B.—Pacific Railway Bonds.

Authorized by acts of July 1, 1862, and July 2, 1864; rate of interest, 6 per cent. in lawful money; payable 30 years from date; interest payable January and June.

Name of Railway.	Principal Outstanding.	Interest accrued and not yet paid.	Interest paid by the United States	Interest repaid by transportation of mails, etc.	Balance of interest paid by the United States
Central Pacific	$25,885,120 00	$776,553 60	$8,698,036 87	$1,099,542 23	$7,598,494 64
Kansas Pacific	6,303,000 00	189,090 00	2,536,623 09	1,291.592 26	1,245,030 83
Union Pacific	27,236.512 00	817,095 36	9,433,038 57	2,816.174 10	6,616,864 47
Central Branch, Union Pacific	1,600,000 00	48,000 00	637,808 26	27.549 50	610.258 76
Western Pacific	1,970,560 00	59,116 80	545,029 74	9.367 00	535,662 74
Sioux City and Pacific	1,628,320 00	48,849 60	536,155 09	7,811 29	528,343 80
Totals	64,623,512 00	1,938,705 36	22,386,691 62	5,252,036 38	17,134,655 24

C.—Internal Revenue Table.

Aggregate receipts from each State and Territorg, from Internal Revenue, for 1870, 1871, 1872, and 1873, and the total from each State since 1863.

States and Territories.	1870.	1871.	1872.	1873.	Total since 1863.
Alabama	$595.700 17	$363,758 37	$238,160 14	$152,493 35	$14,353,475 37
Arizona	15,615 43	16,889 07	15,578 56	13,562 73	89,526 98
Arkansas	369,284 10	130,524 47	94,301 22	88,861 02	3,680.650 16
California	4,602,439 31	3,606,921 58	3,053,517 39	2,367,911 07	42.651,166 14
Colorado	73,910 34	69,993 65	63,272 34	75,749 64	960,077 46
Connecticut	2.564.477 14	1,426.870 91	1,204,614 64	873,984 99	41,431,705 48
Dakota	8,715 61	7,130 43	5.985 81	7,597 36	52,439 42
Delaware	451,985 70	444,018 11	400,101 26	429,392 84	5,916.943 44
District of Columbia	514,482 20	267,809 27	216,999 56	133,424 58	4,695,119 94
Florida	106.318 42	121,030 56	99,455 64	158,142 21	1,615,595 31
Georgia	1,144,241 38	736,944 02	583.160 18	477,959 90	18,895.569 64
Idaho	65,424 05	53,010 97	23,974 31	19,275 80	495,960 45
Illinois	18,364.366 66	15,119,609 02	15,799,667 30	16,493,169 34	135,349,690 26
Indiana	5,045.023 82	4,798,468 90	5,441,892 72	5,678,052 51	45,860.089 87
Iowa	1,377,981 34	1,081.841 24	1,067,790 62	1,012,997 29	14,735.546 22
Kansas	343.231 15	236,766 04	161,371 91	161,469 76	2,448,112 62
Kentucky	9,887,623 73	6,514.140 54	5,847,468 44	5,456,628 47	60,915,800 32
Louisiana	2,981,524 02	1,912,755 25	1,627,782 26	1,339,607 30	30,158,187 94
Maine	807,224 36	412,096 48	302,123 05	214,696 26	13,576.923 17
Maryland	5,438,472 91	3,703,854 80	3,791,269 61	2,653,801 83	47,731.888 42
Massachusetts	10,684,090 19	6,801.074 68	6,329,060 67	3,761,004 95	159.930.259 88
Michigan	2,918.987 30	2,639,670 28	2,399,972 35	2,205,720 72	26,305,526 98
Minnesota	467,879 15	252,582 98	248,979 43	231,404 94	3,170,577 08
Mississippi	284,792 49	238.257 43	133,675 44	128.079 31	10,095,250 42
Missouri	6,004,278 11	5,095.075 89	4,618,218 51	4,259.320 15	54,142.142 04
Montana	103,555 55	82.104 98	28,955 04	24.018 11	637.988 44
Nebraska	308,501 51	224,368 92	195,698 91	242,962 38	1,566,058 53
Nevada	188,027 45	103,634 03	77,359 23	72,305 32	1,944,186 65
New Hampshire	632,407 38	396,926 97	304,235 96	325,455 36	14,717.104 17
New Jersey	4,075,359 85	2,458,600 26	2,491,433 81	2,567,442 37	51,095.740 13
New Mexico	46,927 22	34,811 08	23,755 88	23,237 51	434.807 78
New York	36,361.550 38	28,870,402 06	23,483,729 18	19,219,504 52	403,960.219 51
North Carolina	1,398,719 95	1,362,268 19	1,108,524 79	1,408,321 72	10,068,815 68
Ohio	19,568,743 80	15,149,489 11	14,905,229 21	14,851,309 45	169,915,839 37
Oregon	329.212 01	156,547 64	125,541 86	73,544 48	2.162.508 21
Pennsylvania	16,748,704 05	12,535,521 68	9,227,091 25	7,826,275 69	197,144,927 20
Rhode Island	1,282,376 69	672.493 14	636,926 73	324,552 17	25,351,930 33
South Carolina	412,039 59	258,719 99	199,181 49	167,213 58	6,829,195 56
Tennessee	1,470,859 57	874,221 65	766,840 20	644,480 76	17,668,462 75
Texas	390,954 33	350,680 42	322,359 20	272,325 77	8,406,724 12
Utah	46,296 41	39,995 71	39,480 84	40,786 23	471,437 64
Vermont	352,316 65	279,332 70	158,847 13	75,860 40	5,558,962 12
Virginia	5,496,351 39	5,319,272 69	4,939,027 93	7,343,799 29	31,127,629 66
Washington	83,272 63	36,753 01	23,890 32	15,698 64	513,424 90
West Virginia	750,967 15	627,320 94	465,605 34	449,661 59	6,697,921 59
Wisconsin	2,363,015 03	1,977,703 87	2,000,226 55	1,881,820 91	20,535,584 95
Wyoming	25,879 82	10,845 25	6,727 27	10,652 94	59,211 78
Aggregate receipts by States and Territories	167,560,107 49	127,873,109 23	115,299,061 48	106.255,537 51	1,716,126,906 08
Adhesive Stamps	16,544,043 06	15,342,739 46	16,177,320 60	7,702,376 85	139,376,045 75
Salaries	1,109,526 42	787,262 55	294,564 65	117,541 72	13,889,445 64
Passports through Department of State	22,191 00	8,065 00			187,532 29
Fines, penalties, &c., reported by United States officers other than collectors of internal revenue					800,985 40
Collections on articles produced in the late insurrectionary districts, made by special Treasury agents					2,038,369 87
Aggregate receipts from all sources	185,235,867 97	144,011,176 24	131,770,946 73	114,075,456 08	1,872,419,285 03

D.—Distribution of the Currency.

The acts of February 25, 1863, and June 3, 1864, and March 3, 1865, authorize the issue of three hundred millions of circulating notes to national banks, one hundred and fifty millions of which were to be "apportioned to associations in the States, in the District of Columbia and the Territories, according to representative population, and the remainder among associations formed in the several States, the District of Columbia, and the Territories, having due regard to the existing capital, the resource and business of each State, District, and Territory." The whole amount of currency authorized by these acts was issued to national banks during the four years following.

The following is a statement, prepared by the Comptroller of the Currency, of the apportionment of $354,000,000 national bank circulation, upon the basis of population and wealth, as given in the census of 1870, together with the amount outstanding July 1, 1874, and the excess and deficiency, to which has been added the capital paid in:

States and Territories.	Apportionment on population.	Apportionment on wealth.	Aggregate apportionment.	Circulation outstanding July 1, 1874.	Excess.	Deficiency.	Capital paid in.
Maine	$2,877,818	$2,053,200	$4,931,018	$8,006,582	$3,075,564		$9,540,000
New Hampshire	1,461,138	1,486,800	2,947,938	4,668,830	1,720,892		5,185,000
Vermont	1,517,376	1,380,600	2,897,976	6,973,115	4,075,139		8,335,012
Massachusetts	6,689,889	12,549,300	19,239,189	59,141,371	39,902,182		91,342,000
Rhode Island	997,747	1,752,360	2,750,047	13,376,290	10,626,243		20,504,800
Connecticut	2,467,152	4,566,600	7,033,752	17,962,178	10,928,426		25,384,620
Total	16,011,120	23,788,800	39,799,920	110,128,366	70,328,446		160,291,432
New York	20,118,813	38,267,400	58,386,213	60,138,568	1,752,355		110,654,691
New Jersey	4,159,382	5,540,100	9,699,482	11,125,000	1,425,518		13,958,350
Pennsylvania	16,167,317	22,425,900	38,593,217	42,166,895	3,573,678		53,510,240
Delaware	573,873	566,400	1,140,273	1,296,975	156,702		1,523,185
Maryland	3,584,651	3,787,800	7,372,451	9,250,147	1,877,696		13,640,203
Total	44,604,036	70,587,600	115,191,636	123,977,585	8,785,949		193,286,669
District of Columbia	604,560	743,400	1,347,960	1,491,191	143,231		1,652,000
Virginia	5,624,042	2,407,200	8,031,242	3,651,441		$4,379,801	4,185,000
West Virginia	2,029,041	1,115,100	3,144,141	2,380,440		763,701	2,596,000
North Carolina	4,918,022	1,539,900	6,457,922	1,754,985		4,702,937	2,100,000
South Carolina	3,239,045	1,221,300	4,460,345	2,208,400		2,251,945	3,170,000
Georgia	5,435,587	1,575,300	7,010,887	2,320,624		4,690,263	2,785,000
Florida	861,846	265,500	1,127,346			1,127,346	
Alabama	4,576,646	1,185,900	5,762,546	1,347,183		4,415,363	1,569,300
Mississippi	3,800,529	1,239,000	5,039,529	4,876		5,034,653	
Louisiana	3,336,863	1,893,900	5,230,763	3,513,454		1,717,309	5,250,000
Texas	3,757,640	938,100	4,695,740	748,410		3,947,330	995,000
Arkansas	2,223,936	920,400	3,144,336	189,995		2,954,341	205,000
Kentucky	6,064,027	3,557,700	9,621,727	7,309,241		2,312,486	8,263,700
Tennessee	5,777,118	2,938,200	8,715,318	3,027,691		5,687,727	3,520,481
Missouri	7,901,509	7,557,900	15,459,409	6,161,488		9,297,921	9,545,300
Total	60,150,411	29,098,800	89,249,211	36,109,319	143,231	53,283,123	45,836,781
Ohio	12,234,726	13,151,100	25,385,826	23,561,033		1,824,793	29,093,000
Indiana	7,714,871	7,469,400	15,184,271	14,560,850		623,421	17,611,800
Illinois	11,659,230	12,496,200	24,155,430	16,619,250		7,536,180	20,843,000
Michigan	5,435,357	4,230,300	9,665,657	7,333,063		2,332,594	9,763,500
Wisconsin	4,841,403	4,141,800	8,983,203	3,209,916		5,773,287	3,680,000
Iowa	5,481,081	4,230,300	9,711,381	5,473,115		4,238,266	6,017,000
Minnesota	2,018,445	1,345,200	3,363,645	3,297,521		66,124	4,173,700
Kansas	1,672,754	1,115,100	2,787,854	1,536,321		1,251,533	1,975,000
Nebraska	564,592	407,100	971,692	899,410		72,282	905,000
Total	51,622,459	48,586,500	100,208,959	76,490,479		23,718,480	94,062,000
Nevada	195,052	177,000	372,052	9,363		362,689	
Oregon	417,377	300,900	718,277	224,100		494,177	250,000
California	2,571,783	3,752,400	6,324,183			6,324,183	*
Colorado	182,993	123,900	306,893	593,990	287,097		625,000
Utah	398,386	88,500	486,886	416,859		70,027	450,000
Idaho	68,852	35,400	104,252	90,000		14,252	100,000
Montana	94,540	88,500	183,040	271,895	88,855		350,000
Wyoming	41,855	35,400	77,255	54,000		23,255	125,000
New Mexico	421,742	194,700	616,442	269,000		347,442	300,000
Arizona	44,334	17,700	62,034			62,034	
Dakota	65,096	35,400	100,496	45,000		55,496	50,000
Washington	109,964	88,500	198,464			198,464	
Total	4,611,974	4,938,300	9,550,274	1,974,207	375,952	7,952,019	2,250,000
Grand total	177,000,000	177,000,000	354,000,000	348,679,956	79,633,578	84,953,622	495,726,882
Add amount due banks for mutilated notes returned				1,271,068			
				349,951,024			

The balance of the circulation, $4,048,976, has been assigned to banks organized and in process of organization in States deficient, but the necessary bonds have not yet been deposited.

*Capital paid in, (gold banks,) $3,200,000.

The act of July 12, 1870, authorized an additional issue of fifty-four millions of dollars, and provided that such notes should be issued to banking associations organized or to be organized in those States and Territories having less than their proportion under the apportionment contemplated by the act of March 3, 1865, and that the bonds deposited with the Treasurer of the United States to secure the additional circulation should be of any description of United States bonds bearing interest in coin. It also provided that a new apportionment of the increased circulation should be made as soon as practicable, based upon the census of 1870, and for the cancellation monthly of three per cent. certificates equal in amount to the national bank notes issued—the last of these certificates having been finally redeemed during the last year. Of this additional circulation, authorized by the act of July 12, 1870, there was issued to November 1, 1871, $24,773,260; in the year ending November 1, 1872, $16,220,210; in the year ending November 1, 1873, $7,357,479; leaving, December last, still to be issued to banks already organized, and in process of organization, $5,649,051.

The act of June 20, 1874, authorizes the transfer of national bank notes from States which are in excess of their proportion, for the purpose of redistributing the same among States which have less than their proportion under an apportionment made on the basis of population and wealth, as shown by the returns of the census of 1870. The act does not provide for the issue of any additional amount of circulation, so that the apportionment remains about the same as given in the annual report of the Comptroller of the Currency for 1873. The $55,000,000 to be redistributed will be issued to those States exhibiting a deficiency in the above table.

From other tables in the report of the Comptroller of the Currency it appears that the taxes paid by national banks are in excess of $6,000,000 per annum, on circulation, deposits, and capital. The precise figures the last four years are: 1869, $5,830,887 86; in 1870, $6,017,460 34; in 1871, $6,505,812 21; in 1872, $6,846,320 66.

It also appears that the dividends of the national banks, upon an average, for a series of years, have been about ten per cent. per annum upon the capital, or less than nine per cent. upon capital and surplus.

E.—Lists of Appropriations.

STATEMENT OF APPROPRIATIONS MADE FOR THE FISCAL YEAR ENDING JUNE 30, 1872, AT THE THIRD SESSION, FORTY-FIRST CONGRESS:

Payment of Invalid and other Pensions.		$29,050,000 00
Military Academy		316,269 50
Consular and Diplomatic Expenses		1,466,134 00
Legislative, Executive, and Judicial Expenses		19,518,229 24
Sundry Civil Expenses	$23,441,773 86	
Unexpended balances reappropriated	500,000 00	
Transfer on books of the Treasury	200,000 00	
Heretofore appropriated	20,000 00	
		24,161,773 86
Deficiencies for the year ending June 30, 1870, and 1871, and for former years, and for other purposes, in which are included the following appropriations, viz:		
Miscellaneous items for Senate and House of Representatives	149,672 00	
Public Buildings—		
New York Post Office	500,000 00	
Boston Post Office, unexpended appropriation reappropriated, and additional sum appropriated	76,278 75	
Other Public Buildings, furniture, &c., for Treasury	253,399 38	
Light House Establishment	417,132 70	
Public Printing	150,000 00	
State Department	226,500 00	
Interior Department—deficiences for the years ending June 30, 1871, and 1872	187,429 28 129,186 76	
Post Office Department—to be paid from the revenue of the Department	89,240 00	
Deficiencies for the fiscal year ending June 30, 1871	4,685,032 00	
War Department—transfer on books of the Treasury	3,321,430 26 150,000 00	
Bureau of Freedmen	127,000 00	
Navy Department	560,000 00	
Territorial deficiencies for 1871	10,829 91	
Payment of pensions of war of 1812	240,000 00	
Expenses of collecting revenue from customs for each half year from and after the 30th of June, 1870	2,750,000 00	
		14,023,131 04
Army		27,719,580 00
Navy		19,832,317 25
Public Works		4,407,500 00
Indian Department		5,448,540 96
Post Office Department		26,032,898 00
Fortifications		1,627,500 00
Miscellaneous—private acts, &c		1,261,208 80
Total for 3d Session, 41st Congress		174,865,082 65

APPROPRIATIONS MADE DURING THE FIRST SESSION OF THE FORTY-SECOND CONGRESS.

For deficiencies for the service of the year ending June 30, 1871, and additional appropriations for the year ending June 30, 1872, and for other purposes	1,239,293 11
Miscellaneous appropriations, private, &c	14,807 64
Total appropriations made for the fiscal year ending June 30, 1872	$176,119,183 40

STATEMENT OF APPROPRIATIONS MADE FOR THE FISCAL YEAR ENDING JUNE 30, 1873, AT THE SECOND SESSION, FORTY-SECOND CONGRESS.

For the payment of Pensions		$30,480,000 00
For Legislative, Executive, and Judicial Expenses		18,671,785 74
For deficiencies for the year ending June 30, 1872, and for former years, as follows, viz:		
House of Representatives, Senate, Capitol Police, and Library of Congress	$88,399 06	
Department of State	253,482 00	
U. S. Mint and branches	47,992 05	
Independent Treasury	109,304 00	
Territorial Governments	40,441 92	
Internal Revenue	250,000 00	
Captured and Abandoned Property	30,000 00	

Coast Survey	40,000 00	
Public Buildings	548,588 14	
Treasury miscellaneous	136,251 73	
War Department	1,640,000 00	
Miscellaneous	1,205,562 64	
Navy Department	42,112 07	
Interior Department, Public Printing, and Census	84,697 78	
Public Works and Capitol Extension	43,102 08	
Indian Bureau	437,534 00	
Judicial	1,047,791 89	
		6,045,259 96
Military Academy		326,101 32
Naval Service		18,296,733 95
Consular and Diplomatic Service		1,219,659 00
Indian Service		6,349,462 04
Fortifications		2,037,000 00
Post Office Department		28,519,341 84
Army Expenses		28,683,615 32
Rivers and Harbors		5,588,000 00
Sundry Civil Expenses, viz:		
Life Saving Stations	$162,700 00	
Revenue Cutter Service	1,078,397 88	
Marine Hospital Service	125,000 00	
National Currency	100,000 00	
Detection and punishment of counterfeiting	125,150 00	
Senate	26,963 25	
Judiciary	3,500,000 00	
Miscellaneous	1,516,802 71	
Inspection of steam vessels, &c	618,017 19	
Public Buildings	3,050,000 00	
Light Houses, Beacons, and Fog Signals	879,685 00	
Light-House Establishm't.	1,559,564 50	
Public Lands	1,599,325 00	
Patent Office	50,000 00	
Metropolitan Police	207,890 00	
Government Hospital for the Insane	178,800 00	
Deaf and Dumb Institution	124,000 00	
Columbia Hospital	80,300 00	
Smithsonian	25,000 00	
Capitol Extension	99,000 00	
Botanical Garden	25,500 00	
Library of Congress	41,000 00	
Survey of the Coast	732,000 00	
Armories and Arsenals	1,090,149 40	
Buildings and Grounds in and around Washington	257,100 00	
Washington Aqueduct	173,435 00	
Bureau of Refugees, Freedmen, and Abandoned Lands	174,000 00	
Signal Office	250,000 00	
Miscellaneous objects	1,089,413 97	
Navy Yards	1,184,200 00	
Department of Agriculture	25,000,00	
		20,148,413 90
Award by Claims Commission		344,785 60
Miscellaneous—private acts, &c		6,784,856 88
Total appropriations made for the fiscal year ending June 30, 1873		$173,495,015 55

STATEMENT OF APPROPRIATIONS MADE FOR THE FISCAL YEAR ENDING JUNE 30, 1874, AT THE THIRD SESSION, FORTY-SECOND CONGRESS.

Pensions		$30,480,000 00
Deficiencies for the year ending June 30, 1873, and for other purposes, viz:		
Post Office Department	$53,000 00	
Coast Survey	170,000 00	
Census	12,000 00	
Rebel ram "Albemarle,"	202,912 90	
Patent Office	20,000 00	
District of Columbia	1,241,920 92	
		1,699,833 82
Indian Service		5,541,418 90
Legislative, Executive, and Judicial Expenses		17,120,496 60
Sundry Civil Expenses, viz:		
Public Printing	$2,053,500 00	
Life Saving Stations	250,200 00	
Revenue Cutter Service	1,028,218 40	
Marine Hospital Service	100,000 00	
National Currency	825,000 00	
Judiciary	3,159,000 00	
Miscellaneous	1,179,337 20	
Public Lands	1,752,090 00	
Metropolitan Police	207,530 00	
Government Hospital for the Insane	171,712 22	
Deaf and Dumb Institu'n	48,000 00	
Columbia Hospital	88,500 00	
Smithsonian Institution	42,000 00	
Capitol Extension	279,000 00	
Botanical Garden	37,500 00	
Survey of the Coast	766,000 00	
Light-House Establish'nt.	1,691,369 50	
Light Houses, Beacons, and Fog Signals	1,507,600 00	
Public Buildings	10,939,903 96	
Armories and Arsenals	777,645 00	
Buildings and Grounds in and around Washington	2,553,733 01	
Miscellaneous	1,047,136 80	
Navy Yards	1,401,260 00	
Miscellaneous	279,883 00	
		32,186,129 00
For deficiencies for the fiscal year ending June 30, 1873, and for other purposes, viz:		
Senate	$17,500 00	
Department of State	115,222 00	
Treasury Department	10,000 00	
Mint, Branches and Assay Offices	92,898 31	
Internal Revenue	1,500,000 00	
Coast Survey	6,828 75	
Light-House Establishm't.	156,200 00	
Territorial Governments and Treasury miscellaneous	147,202 07	
War Department	2,682,000 00	
Pay Department	158,495 36	
Signal Service	88,000 00	
Medical and Hospital Department	13,000 00	
Marine Corps	20,000 00	
Interior Department	41,500 00	
Public Lands	19,386 36	
Extension Capitol Gr'nds	301,199 15	
Miscellaneous	37,809 00	
Indian Bureau	3,102,701 54	
Miscellaneous	247,535 92	
Department of Justice	308,693 87	
Miscellaneous	346,512 45	
For the purchase of postage stamps for Executive Departments	1,865,900 00	
		11,278,584 78
Naval Service		22,276,257 65
Public Works—Rivers and Harbors		6,102,900 00
Army		31,796,008 81
Post Office Department		32,529,167 00
Consular and Diplomatic Service		1,311,359 00
Military Academy		344,317 56
Fortifications		1,899,000 00
Award by Claims Commission		789,083 86
Miscellaneous—private acts, &c		2,565,740 31
Total appropriations made for the fiscal year ending June 30, 1874		$197,920,297 38

STATEMENT OF APPROPRIATIONS MADE FOR THE FISCAL YEAR ENDING JUNE 30, 1875, AT THE FIRST SESSION, FORTY-THIRD CONGRESS.

Pensions		$29,980,000 00
For deficiencies for the year ending 1873 and '4, and for other purposes, as follows, viz:		
Department of State	$50,161 92	
Independent Treasury	9,247 34	
U. S. Mints and Assay offices	32,946 11	
Territorial	85,839 08	
Treasury, miscellaneous	162,629 01	
Quartermaster Departm't.	612,950 50	
Indian Department (of which amount $51,363 59 is to be returned to the Treasury from sales of Indian lands)	1,837,521 87	
Public Lands	6,237 70	
Miscellaneous	202,299 80	
Post Office Department	221,604 06	

Judicial	375,821 46	
Senate	90,600 40	
House of Representatives, Capitol Grounds, &c.	106,055 01	
		4,083,914 26
For the Indian Department (of which amount $165,000 is to be returned to the Treasury from the sales of Indian lands)		5,656,171 10
For Legislative, Executive, and Judicial expenses (in which amount is included the sum of $2,207,868 50, appropriation for the preparation, issue, and reissue of the national loan securities, heretofore included in the permanent appropriations)		20,613,880 80
For sundry civil expenses for the fiscal year ending June 30, 1875, and for other purposes, as follows, viz:		
Public Printing and Binding	$1,676,707 60	
Life-saving Stations	489,568 44	
Revenue Cutter Service	1,152,883 40	
Marine Hospital Service	100,000 00	
National Currency	251,500 00	
Judiciary	3,109,291 00	
Miscellaneous	418,347 11	
District of Columbia	1,300,000 00	
Public Lands	45,900 00	
Surveying Public Lands	1,042,980 00	
Expenses of collection of revenue from sales of public lands	574,040 00	
Capitol Extension, &c	441,915 00	
Metropolitan Police	207,530 00	
Government Hospital for the Insane	203,741 00	
Deaf and Dumb Institution	77,000 00	
Columbia Hospital and other charities	106,000 00	
Smithsonian	30,000 00	
Survey of the Coast	782,000 00	
Light-House Establishm't.	1,765,532 50	
Light-Houses, Fog Signals, and Beacons	1,185,300 00	
Armories and Arsenals	640,957 00	
Signal Office	389,325 00	
Northern and Northwestern Lakes	175,000 00	
Miscellaneous objects	649,433 89	
Buildings and Grounds in and around Washington.	317,730 00	
Navy Yards and stations	1,440,739 50	
Departm't of Agriculture.	68,600 00	
Public Buildings under Architect of Treasury (including amount for relief of persons suffering from overflow of the Mississippi)	$400,000 00	8,253,523 81
		26,895,545 25
For Naval Service		16,818,946 20
Rivers and Harbors		5,218,000 00
Army		27,788,500 00
Post Office Department (of which amount the sum of $5,497,852 00 is appropriated from the Treasury. The balance to be paid from the revenues of the Post Office Department)		35,756,001 00
Consular Service		3,405,404 00
Military Academy		339,835 00
Fortifications		904,000 00
For payment of claims reported allowed by the Commissioners of Claims, as follows, viz:		
To citizens of Alabama	$37,682 90	
To citizens of Arkansas	83,889 73	
To citizens of Florida	4,140 00	
To citizens of Georgia	23,537 20	
To citizens of Louisiana	145,436 04	
To citizens of Mississippi	85,516 80	
To citizens of North Carolina	48,073 88	
To citizens of South Carolina	10,784 00	
To citizens of Tennessee	74,499 40	
To citizens of Texas	675 00	
To citizens of Virginia	145,051 01	
To citizens of West Virginia	4,482 80	
		663,768 82
For extraordinary expenses of the Naval service		4,000,000 00
For relief of persons suffering from the overflow of the Mississippi river		190,000 00
For improvement of the mouth of the Mississippi river		30,000 00
For payment of teachers in the District of Columbia, to be refunded to the Treasury by the District		97,740 50
To discharge certain obligations to the creditors of the Sioux Indians		70,000 00
For the relief of Henry S. Welles, for removing obstructions from the Savannah river in 1866		193,132 96
Other private acts, (estimated,) but not exceeding		100,000 00
Total appropriations made for the fiscal year ending June 30, 1875		$182,804,929 89

RECAPITULATION.

In the fiscal year ending June 30, 1872	$176,119,183 40
In the fiscal year ending June 30, 1873	173,495,015 55
In the fiscal year ending June 30, 1874	197,920,297 38
For the fiscal year ending June 30, 1875	182,804,929 89

F.—Revenues and Expenditures of the Government.

For the fiscal years ending June 30, from each source.

EXPENDITURES.	1872.	1873.
Civil List	$16,187,059 20	$19,348,521 01
Foreign Intercourse	1,839,369 14	1,571,362 85
Navy Department	21,249,809 99	23,526,256 79
War Department	35,372,157 20	46,323,138 31
Pensions	28,533,402 76	29,359,426 86
Indians	7,061,728 82	7,951,704 88
Miscellaneous	42,958,329 08	52,408,226 20
Totals	153,201,856 19	180,488,636 90
Int. on Public Debt	117,357,839 72	104,750,688 44

REVENUES.	1872.	1873.
Customs	$216,370,286 77	$188,089,522 70
Internal Revenue	130,642,177 72	113,729,314 14
Direct Taxes		315,254 51
Public Lands	2,575,714 19	2,882,312 38
Misc. Sources	15,106,051 23	17,161,270 05
Totals	364,694,229 91	322,177,673 78

For revenues and expenditures of the Government for previous years, see McPherson's Handbook of Politics for 1872, pp. 187–191.

RECEIPTS since the formation of the Government, from March 4, 1789, to June 30, 1873: Customs, $8,385,720,600 18; Internal Revenue, $1,876,191,953 19; Direct Taxes, $27,554,926 93; Public Lands, $197,171,499 65; Miscellaneous Sources, $252,734,361 07. Total, $5,739,373,340 02.

EXPENDITURES since the formation of the Government, from March 4, 1789, to June 30, 1873: Civil List, $298,129,788 18; Foreign Intercourse, $104,828,384 80; Navy, $880,427,404 15; War, $4,044,384,110 94; Pensions, $313,489,880 82; Indians, $145,057,004 47; Miscellaneous, $649,991,549 06. Total, $6,436,308,122 42.

G.—Presidential Election of 1872, and State Elections in 1872, 1873, and 1874.

States.	1872. Popular Vote.		Electoral College.	1872. Electoral Vote.		‖ State Elections.				
	Republican. Grant.	Liberal and Democratic. Greeley.		Republican. Grant.	Liberal and Democratic.*	1872. Republican.	1872. Democratic and Liberal.	1873. Republican.	1873 Democratic and Liberal.	1873. Independent.
Alabama	90,272	79,444	10	10	.....	89,868	81,371	.....	.....	.....
Arkansas	¶41,373	¶37,927	†6	.....	.....	41,681	38,415	.....	.....	.....
California	54,020	40,718	6	6	.....	37,299	35,864	.....	.....	.....
Connecticut	50,638	45,880	6	6	.....	46,563	44,562	39,245	45,059	.....
Delaware	11,115	10,206	3	3	.....	11,373	11,015	.....	.....	.....
Florida	17,763	15,427	4	4	.....	17,603	16,004	.....	.....	.....
Georgia	62,550	76,356	†11	.....	8	46,475	104,539	.....	.....	.....
Illinois	241,944	184,938	21	21	.....	237,774	197,084	.....	.....	.....
Indiana	186,147	163,632	15	15	.....	188,276	189,424	.....	.....	.....
Iowa	131,566	71,196	11	11	.....	132,359	74,497	105,143	.....	82,578
Kansas	67,048	32,070	5	5	.....	66,715	34,698	.....	.....	.....
Kentucky	88,766	99,995	12	.....	12	.....	.....	.....	.....	.....
Louisiana	¶71,663	¶57,029	†8	.....	.....	**72,890	**54,079	.....	.....	.....
Maine	61,422	29,087	7	7	.....	71,917	54,701	45,674	32,316	.....
Maryland	66,760	67,687	8	.....	8	58,824	73,959	59,668	79,651	.....
Massachusetts	133,472	59,260	13	13	.....	59,626	133,900	72,183	59,830	.....
Michigan	138,455	78,355	11	11	.....	138,968	81,880	.....	.....	.....
Minnesota	55,117	34,423	5	5	.....	54,810	34,282	40,761	.....	35,242
Mississippi	82,175	47,288	8	8	.....	.....	.....	73,324	.....	52,857
Missouri	119,196	151,434	15	.....	15	121,272	156,714	.....	.....	.....
Nebraska	18,329	7,812	3	3	.....	16,543	11,227	.....	.....	.....
Nevada	8,413	6,236	3	3	.....	.....	.....	.....	.....	.....
New Hampshire	37,168	31,424	5	5	.....	38,751	36,584	34,023	32,016	.....
New Jersey	91,656	76,456	9	9	.....	.....	.....	.....	.....	.....
New York	440,736	387,281	35	35	.....	445,801	392,350	331,118	341,011	.....
North Carolina	94,769	70,094	10	10	.....	98,630	95,731	.....	.....	.....
Ohio	281,852	244,321	22	22	.....	265,930	251,780	213,837	214,654	.....
Oregon	11,819	7,730	3	3	.....	13,167	12,317	6,123	8,194	.....
Pennsylvania	349,589	212,041	29	29	.....	354,319	313,876	244,823	219,471	.....
Rhode Island	13,665	5,329	4	4	.....	.....	.....	9,656	3,786	.....
South Carolina	72,290	22,703	7	7	.....	69,831	33,886	.....	.....	.....
Tennessee	85,655	94,391	12	.....	12	84,100	97,689	.....	.....	.....
Texas	47,468	66,546	8	.....	8	‡47,085	‡69,010	53,290	103,291	.....
Vermont	41,481	10,927	5	5	.....	41,946	16,613	.....	.....	.....
Virginia	93,468	91,654	11	11	.....	.....	.....	93,500	120,739	.....
West Virginia	32,315	29,451	5	5	.....	††42,988	40,305	.....	.....	.....
Wisconsin	104,997	86,477	10	10	.....	.....	.....	66,223	81,635	.....
Total	3,597,132	2,834,125	⁂366	286	63					

Charles O'Conor, Straight Democrat, received 29,489 votes; and James Black, Temperance, 5,608.

*Owing to the death of Horace Greeley, the vote of no Electoral College was given for him. The Democratic Electoral vote was for B. Gratz Brown, 18; Thomas A. Hendricks, 42; Charles J. Jenkins, 2; David Davis, 1.

†Not counted, 17; of these, three votes cast in Georgia for Horace Greeley were excluded, he having died before the votes were so cast—the House voting to exclude, the Senate to receive. The vote of Arkansas was rejected—the House voting to receive, the Senate to reject. The vote of Louisiana was rejected, both Houses concurring.

⁂Total counted, 349—necessary to a choice, 175.

‡Mean of the votes for congressmen at large.

‖The votes at the Spring Elections in 1874 were, in Connecticut: Republican, 46,755, Democratic, 39,761, Prohibition, 4,960; in Rhode Island: Republican and Temperance, 12,269, Democratic, 1,509, (the separate Republican vote for Lieutenant Governor being 7,679, and the Temperance vote 6,512;) and in New Hampshire: Republican, 34,143, Democratic, 35,608, Prohibition, 2,097, scattering, 45.

¶There were two counts in Arkansas and Louisiana. The other returns were: in Arkansas, Grant, 90,272, Greeley, 79,444, in Louisiana, Grant, 59,975, Greeley, 66,467.

**The vote for Governor, by Warmoth count, was: Kellogg, 55,973; McEnery, 65,579.

††This vote was called "Independent" and "Independent Democratic."

XXI.

STATE PLATFORMS OF 1874.

Connecticut.

REPUBLICAN—FEBRUARY 11, 1874.

1. The Republican party of the State of Connecticut, in convention assembled, declare that the end of government is to secure equal and exact justice to all its citizens, with as little infringement as possible upon individual freedom; that the government of the people, by the people, and for the people, interpreted and foreshadowed by the declaration of independence, is the true American idea; that this idea can only be realized by the election of honest and capable men to public office, and by conducting public affairs with strict prudence and in accordance with the sound and approved maxims of business and political economy.

2. That, in accordance with these principles, the States should be left to regulate their own internal affairs without interference, and this convention gladly indorses the course of the national administration in reference to the recent election in Texas.

3. That good administration and freedom from temptation to official dishonesty can be best secured by such an organization of the civil service as shall insure a competent body of civil officers, who shall be undisturbed by the changes and temptations of active politics.

4. That there ought to be no further increase of the paper currency of the country, and that the people expect from the present Congress the adoption of such measures as will forward the early resumption of specie payment.

5. That there should be no more subsidies of public lands in the interest of private corporations; that taxation should be equal, and be laid in such a manner as least to interfere with the general prosperity, and so as to encourage the various industries.

6. That party organizations are useful and necessary; but that, while we are proud of the birth and history of the Republican party, we recognize no such allegiance to political associations as shall prevent our fair and candid criticism of the acts of all public men; and that every case of negligence, wastefulness, or dishonesty on the part of those having control of public money ought to be promptly investigated and severely punished, without fear or favor; that we expect of our State legislators and State officers the strictest integrity and economy, the largest possible relief from the burden of taxation, the maintenance of public education, the preservation of the purity and freedom of the ballot-box, the continuance of such registration laws as shall invite all who are entitled to the precious right of suffrage to participation in it, and at the same time shall exclude all fraudulent voting.

7. That the sessions of our General Assembly should be short, and its legislative acts few and general; that in making judicial and other legislative appointments, character and capacity should be the only qualifications considered, and that all bargains and trades for these appointments are abusive to the health of the commonwealth, and destructive of the interests of the people.

8. That the rightful interests of labor, in view of the present condition of the industrial classes and their relations to capital and to the great corporations of the country, demand the careful solicitude and attention of the Legislature.

9. That we recognize the wisdom and necessity of obtaining reliable statistics and information in regard to the condition of the laboring classes upon which to base proper legislation, and we believe that an impartial and non-partizan bureau for that purpose is demanded alike by humanity and the best interests of the State.

10. That the question whether or not a convention ought to be called to revise our present State constitution should be submitted by the General Assembly to the people of the State for their decision.

DEMOCRATIC—FEBRUARY 3, 1874.

This convention does hereby declare and make known the following to be its principles of action, and to the support of them it invites the hearty co-operation of all honest men:

1. We declare our unfaltering devotion to the Constitution of the United States and to the Union of the United States thereby established, and we affirm that the people of the several States have the sole and exclusive right of governing themselves as free, sovereign, and independent States, subject only to the limitations contained in the Constitution, and that all powers not therein expressly granted to the National Government are reserved to the States respectively.

2. We affirm that the greatest danger with which we are now threatened is the corruption and extravagance which now exist in high official places, and we do declare that these are the cardinal principles of our future political action; that retrenchment, economy, and reform are imperatively demanded in all the governments of the people—Federal, as well as State and municipal—and we here proclaim ourselves the uncompromising foes of all salary-grabbers, ring politicians, and land monopolists, whoever they may be and wherever they may be found, whether they are in office or out; and we appeal to the honest men everywhere, without regard to past political affiliations, to join us in branding as they deserve these corrupt leeches on the body politic, and in assisting us to purge the official stations of their unwholesome and baneful presence.

3. The present Federal administration, by its utter inability to comprehend the dignity or responsibility of the duties with which it is charged, by its devotion to personal and partizan interests, by its weak and incompetent management of the national finances, by its unwarranted interference with the local self government of the people by its support of the corrupt government which it has imposed by its power upon several of the States of the Union, and by its complicity with corrupt practices and scandals in various quarters, by its appointment of notoriously incompetent men to high official positions, has justly brought upon itself the condemnation of the American people.

4. The procuring of money from a notoriously corrupt ring of Washington politicians for use in this State in controlling our elections is so marked an evidence of political corruption that it deserves the severest rebuke, and we call upon the people of Connecticut in the coming election to enter such a protest against so gross an abuse of official trust as will secure punishment for the present and afford adequate protection for the future.

5. We recognize in the present stringency of the money market, the panic which led thereto, the general prostration of business and the consequent suffering of the working classes, the direct fruits of that policy which, while it pretends to advance the interests of the country, is in reality plunging us into national and individual bankruptcy and ruin, and as an offset to this policy, we demand and we call upon the people to inaugurate a speedy return to specie payments, as called alike by the highest consideration of commercial morality and honest and economical government.

6. While we are in favor of all just and equal taxation necessary to sustain our Government and our public institutions, we are opposed to all unjust and unequal systems of taxation, which tend to favor one class at the expense of other classes of the people.

7. The public domain of the United States is the property of the people, and as such should be preserved for the people, and we condemn the policy of wholesale grants to speculative corporations for the benefit of the few to the exclusion of the many.

8. We are opposed to all monopolies which operate for the benefit of privileged persons or classes, and to all combinations or corporations made to effect purposes hostile to the best interests of the people.

9. That we recognize the grievances of which the industrial classes complain, and we favor a governmental policy that shall impose such restraints and prohibitions upon grasping corporations and stock gamblers as will prevent those financial fluctuations which ever have resulted in a debased currency, official defalcations, ring robberies, bankrupt employers, and starving workingmen and women.

10. That we are in favor of such action by the Legislature of our State as will bring the question of calling a constitutional convention directly before the sovereign people of this State for their adoption or rejection, as they may deem best.

Illinois.

REPUBLICAN—JUNE 17, 1874.

We, the delegated representatives of the Republican party of Illinois, declare the following to be substantially our political belief:

1. That emancipation and enfranchisement having been secured by the thirteenth and fifteenth amendments to the Constitution of the United States, and by appropriate legislation for their enforcement; and equality of civil rights having been guaranteed by the fourteenth amendment, such guaranty should be enforced by appropriate statutes, so that the broad ægis of Federal power may be over black and white citizens alike.

2. That, as one of the consequences of the late civil war, about $382,000,000 of non-interest bearing Treasury notes were issued to, and are now held by, the people as a safe and convenient currency, it would be unwise and inexpedient, in the present financial condition of the people, to attempt the policy of immediate cancellation of any portion of such Treasury notes.

3. That the laws for the establishment of national banks, having secured to the States and Territories the best system of bank circulation ever before offered to the people, its issuance should be no longer confided to a privileged class, but should be free to all alike, under general and equal laws, the aggregate volume of currency to be regulated by the untrammeled laws of trade.

4. That we reaffirm the declaration of the National Republican Convention of 1872 in favor of a return to specie payment at the earliest practicable day.

5. That we commend the measures which have passed the popular branch of Congress, looking to the cheapening and perfection of inter-State railway transportation, and the improvement of the navigation at the mouth of the Mississippi river.

6. That we are in favor of an amendment to the Constitution of the United States, providing for the election of President and Vice President by the direct vote of the people, without the intervention of the Electoral College.

7. That the Republican party proposes to respect the rights reserved by the people to themselves as carefully as the powers delegated by them to the State and Federal Governments; and it will aim to secure the rights and privileges of the citizens, without regard to nativity or creed; and it is opposed to interference by law with the habits, tastes, or customs of individuals, except to suppress licentiousness or to preserve the peace and safety of the citizens of the State.

8. That while we accord to the railway companies of this State the fullest measure of property rights, we also demand for the people reasonable charges and rigid impartiality in the transportation of passengers and freights, such guarantees to be secured by appropriate State and national legislation.

Relying upon the foregoing declaration of principles and policy, and upon the broad, clear record of the Republican party during its fifteen years of State and Federal administration, we

appeal once more to that silent yet conclusive tribunal, the ballot box, confident that the people indorse overwhelmingly the action of this representative convention.

INDEPENDENT REFORM—JUNE 10, 1874.

1. That we insist upon severe retrenchment, reform, and economy in all branches of our public affairs, and believe that, with such economy, the tax now collected from the people might be reduced at least one-half without impairing the efficiency of any branch of the public service, State or National.

2. That we demand the immediate reform of abuses in the civil service, through which the patronage of the Government is dispensed as a reward for partisan service rather than regard for the public necessity.

3. That we are in favor of improving and perfecting the navigation of our lakes and rivers and water connections as soon as it can be properly done.

4. That we are opposed to any further grants of public lands or loans on public credit, and of National, State, or local subscriptions in aid of corporations.

5. That we demand the repeal of our national banking law, and believe that Government should issue legal-tender currency direct from the Treasury, interchangeable for Government bonds, bearing the lowest possible rate of interest.

6. That we hold our patent laws are too often made to subserve the interests of monopolists, and that they should be carefully revised and restricted.

7. That we are opposed to any construction of the State constitution which will justify, under any pretext whatever, annual instead of biennial sessions of the State Legislature.

8. That the existing railroad legislation of this State should be sustained and enforced until thoroughly tested before the courts; that we oppose any legislation by Congress, under the plea of regulating commerce between the States, which shall deprive the people of their present control and influence through State legislation, and that the claim of the railroad companies to the right to fix their freights and fares independent of the people involves the highest attribute of sovereignty—the right of a conqueror to levy contributions at will upon a subjugated people or State. And as this power cannot coexist with a government of the people, it must be resisted.

9. That the right of the Legislature to regulate and control the said railroads of the State must be vindicated, established, and maintained as an essential attribute of State government, and that those holding the doctrine that railroad charters are contracts in the sense that they are not subject to legislative supervision and control have no just appreciation of the necessary powers and rights of free government, and we will agree to no truce, submit to no compromise, short of the complete supremacy of the State government in its right, through its Legislature, to supervise and control the railroads of the State in such manner as the public interests may demand.

10. That we condemn the practice of our public officials in receiving free passes from railroads.

11. That the principle of protection as applied to duties on foreign imports is contrary to the spirit and intent of the Constitution, as it creates privileged classes, levying taxes on a large majority for the benefit of the favored few. We are therefore opposed to all duties levied with this end in view as unjust, unequal, and we insist upon a repeal of all laws laying such duties, and that taxes shall be levied for revenue, and that only.

12. That this convention early recommend to the independent voters of the various congressional and legislative districts and counties of the State to put in nomination at an early day, and use their best efforts to elect, candidates who support the principles herein enunciated.

13. That the contract system practiced in the construction of our public works, national, State, and municipal, has been a fruitful source of corruption and fraud, at the expense of the laboring and mechanical as well as against the public interest, and such system should be revised and reformed.

14. That we, the Independent Reform party of the State of Illinois, invite the people of the State, regardless of past political affiliations, to unite with us in the support of the platform and ticket of this convention, and we appeal to the better judgment of all our business and professional men to lend us their aid and sympathy, remembering, as they well may, that upon our prosperity and happiness depends their success in business.

Indiana.

REPUBLICAN—JUNE 17, 1874.

The Republicans of Indiana, assembled in State convention, do hereby declare:

1. Their unchangeable determination to adhere to all the fundamental principles of the Republican party in so far as the future condition of the country shall require their enforcement. As the Union remains unbroken, and the people of all the sections are again bound together as brethren by a common destiny, and under a common flag, we favor such measures as shall develop the material resources of every portion of it, secure to all of every class and condition full protection in all the just rights of person and property, remove all the acerbities of the past, and perpetuate the nation as the model Republic of the world.

2. We recognize that as the true policy of the Government which shall harmonize all the diversified interests and pursuits necessarily existing in a country of such vast extent as ours; and as this can be done only by so directing legislation as to secure just protection and reward to every branch of industry, we are in favor of giving precedence to those measures which shall recognize agricultural and mechanical pursuits as entitled to the amplest protection and the fullest development; of putting a stop to large grants of the public domain to railroad corporations, and reserving it for settlement and cultivation; of improving the navigation of our

great inland rivers; of securing cheap transportation and profitable markets for the products of agricultural and manufacturing labor; of encouraging such manufactures as shall bring the producer and the consumer in the neigbborhood of each other, and thus to establish mutual relations between them and those engaged in commerce and transportation; of properly adjusting the relations between capital and labor in order that each may receive a just and equitable share of profits and of holding those in the possession of corporate wealth and privilege in strict conformity to law, so that these combined influences of the people of all varied pursuits may be united together in the common purposes of preserving the honor of the nation and developing the immense resources of every section of the Union, and of advancing the social and material prosperity of all its industrial and laboring classes.

3. We are in favor of such legislation on the question of finances as shall make national banking free and shall furnish the country with such an additional amount of currency as may be necessary to meet the wants of the agricultural, industrial, and commercial interests of the country; to be distributed between the sections according to population, and such as is consistent with the credit and honor of the nation will avoid the possibility of permitting capitalists and combinations of capital from controlling the currency of the country.

4. We are in favor of such a revision of our patent right laws as shall destroy the oppressive monopoly incident to the present system, and shall regulate and control the manufacture, use, and sale of patent right articles for the benefit alike of the inventor, consumer, and manufacturer.

5. That the Republican party continues to express its gratitude to the soldiers and sailors of the Republic for the patriotism, courage, and self-sacrifice with which they gave themselves to the preservation of the country during the late civil war, and will especially recognize the services of the enlisted by favoring the extension from time to time, as the ability of the Government will permit, of the pension and bounty laws.

6. In the opinion of this convention, intemperance is an evil against which society has the right to protect itself; that our whole system of legislation throughout the whole history of the State has asserted and maintained this right, and it can not now be surrendered without yielding up that fundamental principle of American government which places the power of passing laws in the hands of a majority. Therefore, we are in favor of such legislation as will give a majority of the people the right to determine for themselves, in their respective towns, townships, or wards, whether the sale of intoxicating liquors for use as a beverage shall be permitted them, and such as will hold the vender responsible for all damages resulting from such sales.

7. We favor the enactment of a law limiting the power of township trustees, county commissioners, and municipal authorities to assess taxes and increase township, county, and municipal indebtedness.

8. Inasmuch as great abuses have grown up under our present system of fees and salaries, we demand such legislation as will so reduce and regulate all fees and salaries as will allow no more than a fair and just compensation for services rendered.

9. We look with pride and satisfaction upon our common school system, and regard its munificent fund as a sacred trust to be faithfully and honestly administered, so that all the children of the State may be educated in the duties of citizenship, and thereby become the better able to perpetuate our popular institutions, and whosoever shall seek to strike it down or impair its usefulness will meet our ceaseless and unrelenting opposition.

10. We have entire confidence in the integrity and honor of the President of the United States, and our Senators and Republican Representatives in Congress are entitled to our thanks for the zeal with which they have represented the principles of the Republican party during the present session of Congress, and the Republicans of Indiana view with especial pride and hearty approval the course of Senators Morton and Pratt, and the fidelity and ability with which they have represented the sentiments of the people of this State.

INDEPENDENTS—JUNE 10, 1874.

1. We propose to restore the Government to its original purpose, and as far as possible to remedy these evils and remove their results by abandoning the gold basis fallacy and establishing a monetary system based on the faith and resources of the Government, and the nation in harmony with the genius of the Government, and adapted to the exigencies of legitimate commerce. To this end the circulating notes of the national and State banks, as well as all local currency, should be withdrawn from circulation, and a paper currency issued by the Government, which shall be a legal tender in the payment of all debts, public and private, duties on imports included, and declared equal with gold, the lawful money of the United States; this currency or money to be interchangeable, at the pleasure of the holders, for Government bonds bearing a low rate of interest, say 3:65; the Government creditors to have the privilege of taking the money or the bonds at their election, reserving to Congress the right to regulate the rate of interest on the bonds and the volume of the currency, so as to effect the equitable distribution of the products of labor between money or non-producing capital and productive industry; by paying the national debt in strict accordance with the laws under which it was originally contracted, in gold where specifically promised, but all other forms of indebtedness, including the principal of the five-twenty bonds, should be discharged at the earliest option of the Government in the legal tender currency of the United States, without funding it in long bonds, or in any way increasing the gold paying and untaxed obligations of the Government.

2. That we are in favor of the office seeking the man, and not the man the office; that we will endeavor to select men to fill the various

offices who are honest and capable, without regard to former political opinions; that we detest bribery, corruption and fraud in obtaining votes, either by the use of money or whiskey, and will not support any man for office known to be guilty of the same, and that we are opposed to electing any man to fill the same office more than for one term in succession, from the President down.

3. That we uncompromisingly condemn the practice of our public officials in receiving free passes from railroad managers.

4. That we denounce the action of our Legislature and Representatives in Congress and the Senate for the increase of taxes, fees, and salaries, and we will use all honorable means in our power to reduce the taxes, fees, and salaries of all to a reasonable basis.

5. That we demand a reduction of all public expenditures, to the end that taxation may be reduced to the lowest possible limit.

6. That it is contrary to the policy of good government to encourage litigation, and that the allowing of ten per cent. on judgments and the collecting of attorney's fees off defendant encourages litigation, favors capital, and is a source of corruption, and subserves no good purpose, and therefore ought to be remedied by appropriate legislation.

7. That the present assessment law of real estate imposes unequal and unjust burdens on the producing classes, and favors capital and corporate wealth, and we demand its speedy amendment.

8. That we demand a change in our grand jury system, that their jurisdiction extend to felonies only.

9. That no party is worthy our confidence who denies the right of the people to restrict the abuses of the liquor traffic.

Iowa.

REPUBLICAN—JULY 1, 1874.

1. That as the policy of the Republican party in relation to the finances has afforded the people not only a safe, sound, and popular currency of equal and uniform worth in every portion of our commonwealth, but has likewise greatly improved the credit of the country at home and abroad, we point with pride to its record and accomplishments in this regard, and while reaffirming the policy announced by the party in the National Conventions of 1868 and 1872, and triumphantly indorsed by the people at the polls—a policy which, while contributing to the public credit, has also enhanced the individual and collective prosperity of the American people; we favor such legislation as shall make national banking free to all under just and equal laws, based upon the policy of specie resumption, at such time as is consistent with the material and industrial interests of the country, to the end that the volume of currency may be regulated by the natural laws of trade.

2. That we reaffirm the declaration of the Republican national platform of 1872 in favor of the payment by the Government of the United States of all its obligations, in accordance with both letter and spirit of the laws under which such obligations were issued; and we declare that, in the absence of any express provision to the contrary, the obligations of the Government, when issued and placed upon the market of the world, are payable in the world's currency, to wit, specie.

3. That, under the Constitution of the United States, Congress has the power to regulate all commerce among the several States, whether carried on by railroads or by other means, and, in the exercise of that power may and should so legislate as to prohibit, under suitable penalties, all extortion, unjust discrimination, and other wrong and unjust conduct, on the part of persons or corporations engaged in such commerce, and by virtue of the same constitutional power, Congress may and should provide for the improvement of our great national waterways.

4. That the State has the power and it is its duty to provide by law for the regulation and control of railway transportation within its own limits; and we demand that the laws of this State, passed for this purpose at the last session of the General Assembly, shall be upheld and enforced until they shall be superseded by other legislation or held unconstitutional by a proper judicial tribunal.

5. That we feel bound to provide all appropriate legislation for the full and equal protection of all citizens, white or black, native or foreign born, in the enjoyment of all rights guaranteed by the Constitution of the United States and the amendments thereto.

6. That the reduction of $27,000 000 in the estimated General Government expenses for the coming fiscal year meets with our hearty commendation, and shows that the Republican party, on questions of retrenchment and economy, is carrying out in good faith their oft-repeated pledges to the people.

7. That we are in favor of an amendment to the Constitution of the United States, providing for the election of President and Vice President by direct vote of the people.

8. That, while inventors should be protected in their just rights of property in their inventions, we demand such modification of our patent laws as shall render the same more fair and equitable to consumers.

9. That the faith of the Republican party is pledged to promote the best good of the civil service of the country, and that we, as the Republicans of Iowa, demand that only honest and capable men be elected or appointed to office, and that we commend the position of the party in instituting investigations into corruption in office, sparing therein neither friends nor foes.

10. That, since the people may be entrusted with all questions of governmental reform, we favor the final submission to the people of the question of amending the Constitution so as to extend the rights of suffrage to women, pursuant to the action of the fifteenth General Assembly.

ANTI-MONOPOLIST—JUNE 24, 1874.

That we, the delegated representatives of the people of Iowa, favorable to the organization of an independent political party, laying aside past

differences of opinion, and earnestly uniting in common purposes to secure needed reform in the administration of public affairs, cordially unite in submitting these declarations: that all political power is inherent in the people; That no government is worthy of preservation, or should be respected, which does not derive its power from the consent of the governed by equal and just laws; that the inestimable rights of life, liberty, and pursuit of happiness should be secured to all men, without distinction of race, color, or nativity; that the maintenance of these principles is essential to the prosperity of our republican institutions, and that to this end the Federal Constitution, with all the amendments, the rights of States and the union of States, must and shall be preserved. That the maintenance inviolate of the rights of the States, and especially of the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is indispensable to that balance of power on which the perfection and endurance of our political fabric depends, and that we denounce as a criminal excess of constitutional power the policy of President Grant's administration, in fostering enormities perpetrated in certain States of the Union, in arbitrarily interfering with their local affairs, in sustaining therein the usurpation of aliens and irresponsible adventurers, who, by certain men, have been illegally invested with official authority, and others deprived of their constitutional rights, oppressive enactments, burdensome taxation imposed, an immense and fictitious indebtedness created, resulting in the degradation of these States, and the general impoverishment of their people; that the conduct of the present administration in its bold defiance of public sentiment and disregard of the common good; in its prodigality and wasteful extravagance; in the innumerable frauds perpetrated under its authority; in its disgraceful partiality for and rewards of unworthy favorites; in its reckless and unstable finance policy, and in its total incapacity to meet the vital questions of the day and provide for the general welfare, stands without a parallel in our national history, and the highest consideration of duty requires the American people, in the exercise of their inherent sovereignty, to correct these accumulating evils, and bring the Government back to its ancient landmarks of patriotism and economy.

4. That the faith and credit of the nation must be maintained inviolate; that the public debt, of whatever kind, should be paid in strict accordance with the law under which it was contracted; that an over-issue of paper money being at variance with the principles of sound financial policy, the circulating medium should be based upon its redemption in specie at the earliest practicable day, and its convertibility into specie equivalent at the will of the holder, and that, subject to these restrictions, it is the duty of Congress to so provide by appropriate legislation that the volume of our Government currency shall at all times be adequate to the general business and commerce of the country, and be equitably distributed among the several States.

5. That tariffs and all other modes of taxation should be imposed upon the basis of revenue alone, and be so adjusted as to yield the minimum amount required for the legitimate expenditures of the Government, faithfully and economically administered, and that taxation to an extent necessary to the accumulation of a suplus revenue in the treasury subjects the people to needless burdens, and affords a temptation to extravagance and official corruption.

6. That railroads and all other corporations for pecuniary profit should be rendered subservient to the public good. That we demand such constitutional necessary legislation upon this subject, both State and national, as will effectually secure the industrial and producing interests of the country against all forms of corporate monopoly and extortion, and that the existing railroad legislation of this State should faithfully be enforced until experience may have demonstrated the propriety and justice of its modification.

7. That while demanding that the railroads be subject to legislative control, we shall discountenance any action on this subject calculated to retard the progress of railroad enterprise, or work injustice to these invaluable auxiliaries to commerce and civilization.

8. That the limitation of the Presidency to one term, and the election of the President, Vice President, and United States Senators by a direct popular vote, and through the reform of our civil service to the end that capacity and fidelity be made the essential qualifications for election and appointment to office, are the proposed reforms which meet our hearty indorsement.

9. That we demand such a modification of the patent laws as shall destroy the monoply now enjoyed by manufactures of agricultural and other implements of industry.

10. That personal liberty and social rights of citizens should not be abridged or controlled by legislative enactments, except in so far as may be necessary to promote the peace and welfare of society.

11. That holding in grateful remembrance the soldiers and sailors who fought our battles, and by whose heroism the nation was preserved, we insist that Congress shall equalize bounties and grant to each one of them, or to his widow and children, a homestead of 160 acres of land from the unappropriated domain of the country.

Maine.

REPUBLICAN—JUNE 18, 1874.

1. That the Republican party should not be content with its past record, but, reiterating its former declaration of principles, should move forward to meet new issues as they arise.

2. That it is a high and plain duty to return to a specie basis at the earliest practicable day, not only in compliance with legislative and party pledges, but as a step indispensable to lasting material prosperity.

3. That we believe the time has come when this can be done, or at least begun, with less embarrassment to every branch of industry than at a future time, after resort has been made to unstable and temporary expedients to stimulate

unreal prosperity and speculation, on a basis other than coin as the recognized medium of exchange throughout the commercial world.

4. That the Republican party of Maine approves of the action of the President in vetoing the bill known as the currency bill.

5. That our delegation in Congress are entitled to the gratitude of the people for their earnest and effectual opposition to jobbery, extravagance, and corruption, and for their efforts in behalf of honest and economical government.

6. That this Convention views with lively satisfaction the increasing indications that the vast water power of the State is being more understood and appreciated as our strongest reliance for the increase of wealth and population, and expresses its earnest sympathy for all judicious measures which tend to encourage capital and labor to engage in manufactures in Maine, as the most effective means of developing its agricultural, maritime, and commercial interests.

The 7th indorses Governor Dingley.

8. That we recognize not only the correctness of the principle, but its importance, and necessity of judicious prohibitory liquor laws, believing them to be superior to any plan of license or local option, and that the enactment, maintenance, and enforcement of such a law is a duty which we owe to the people.

DEMOCRATIC—JUNE 23, 1874.

1. That an inflated and irredeemable paper currency is among the worst evils that can afflict a community. It enables cunning and unscrupulous speculators to rob producers of the fruits of their labors, and afflicts every reputable business with the peril of continual panic and disaster. We regard a currency based on specie redemption as the only one upon which the business of the country can safely be trusted, and hold that we should, as rapidly as possible, approximate to such a circulating medium.

2. That a protective tariff is a most unjust, unequal, oppressive, and wasteful mode of raising the public revenues. It is one of the most frequent and fruitful sources of corruption of administration. We, therefore, the Democracy of Maine, in convention assembled, declare for free trade and in favor of unfettered and unrestricted commerce.

3. That the recent action of the Republican majority in the United States Senate, in attempting to revive the worst features of the sedition law of John Adams's administration, and to establish a censorship of the press of the country at the Federal capital, declares a purpose to silence all criticism of the conduct of public men, and as such demands the severest condemnation of every freeman in the land.

4. That the framers of our Constitution erected a system of government the corner-stone of which was local control of local affairs, which for nearly a century held the States in the Union as harmoniously as the planets hold their places in the heavens, and it is among the gravest faults of the Republican party that it has wantonly overawed and prostituted the government of the several States.

5. That the civil service of the Government should be performed by those who are found to be best qualified therefor, and there is seen, in the recent action of the Republican Congress on this subject, a humiliating confession that the party in power cannot dispense with the proof afforded by public plunder.

6. That the undeniable corruptions pervading all departments of the General Government are themselves ample arguments against the continuance of the party now in power, and proof that it deserves the righteous indignation of the people.

The 7th indorses J. A. Titcomb for Governor.

Vermont.

REPUBLICAN—JUNE 17, 1874.

1. That the Republicans of Vermont again affirm their adhesion to the declaration of the principles and policy of the National Republican party in its last National Convention.

2. That the events of the national campaign of 1872, and the history of public affairs since then, have fully justified our party in its action, and have clearly shown that now, as heretofore, it alone can be relied upon to maintain and preserve the great results of the overthrow of the rebellion, in giving and securing liberty and equal rights to all citizens alike; in spreading the principles of real Republicanism and just government; in making labor everywhere honorable; in protecting the people against reaction in aid of the principles of the "lost cause" and its friends; and in guarding now and in the future the Treasury of the nation from being depleted by claims for losses incurred in the rebellion.

3. That while we hail with joy every step toward permanent peace and obedience to the law in the States lately in rebellion, and pledge ourselves to aid in promoting the welfare and happiness of the people thereof, we do not mean to forget that the cause of the Union and its noble defenders is sacred, and ought to be steadily and publicly kept in view as the pole star of the future progress of the Republic.

4. That we express our full approval of the administration of the President of our choice, and congratulate him and our party that it is willing and able to punish wrongs and rectify abuses wherever found, and that it does not, like the former administrations of our adversaries, palliate or cover up the shortcomings of any of the public servants.

5. That we stand by the oft-repeated and cardinal doctrine of our party, that a currency always redeemable in coin is the only true and safe one for the honesty and welfare of the community, as it is for the honor and good name of the nation; that we condemn all steps, direct or indirect, in any other direction than toward early resumption, and that we earnestly thank the President for his steadfast and active support of these principles by the exercise of his constitutional power.

6. That the tax and tariff laws ought to be so framed as to aid in the promotion and protection of American industry.

7. That we favor all proper and prudent measures for the improvement of internal communi-

cation between the different parts of our common country, and especially in opening to a larger commerce the line of water communication created by nature between the Northwest and the Atlantic through the great lakes and the valley of Lake Champlain.

DEMOCRATIC—JUNE 25, 1874.

1. That we renew our devotion to the Democratic party and its principles, and we invite all citizens to unite with us in an effort to restore the principles of the party to the government of the country.

2. That the present prohibitory liquor law is undemocratic, and has proved injurious to the cause of temperance and good order, and that we favor its unconditional repeal and the adoption of a stringent license law.

3. That we hail with joy the prospect of an early completion of the Caughnawaga Canal, whereby Lake Champlain will be the reservoir for the surplus productions of the great West, and an outlet for the trade and commerce between the interior and the seaboard, and as beneficial alike to the farmer, manufacturer, producer, and consumer, by an increase of transportation facilities, consequently more direct and friendly commercial relations and cheaper transit of property.

INDEX TO HAND-BOOK OF 1874.

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A few Newspaper Notices are given:

New York Evening Post: McPherson's Hand-Book of Politics has become one of the standard publications. The volume for 1874 is of even more than usual interest. To any one who desires to follow the current of politics, this book is almost indispensable.

New York Nation: It has unusual value, and is as indispensable as any of its predecessors.

N. M. H., in New York Tribune: It is full of all manner of political statistics.

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